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CONFERENCE OF THE PARTIES
Eighth session
New Delhi, 23 October – 1 November 2002
Item 2 (c) of the provisional agenda

PROVISIONAL AGENDA

Note by the Executive Secretary

I. INTRODUCTION

1. The provisional agenda[1] for the eighth session of the Conference of the Parties has been drafted by the Executive Secretary in agreement with the President, in accordance with rule 9 of the draft rules of procedure being applied.[2]

2. In preparing this provisional agenda, the Executive Secretary took account of views expressed by Parties during the sixteenth session of the Subsidiary Body for Implementation and by members of the Bureau of the Conference, as well as requests from Parties.

[1] The annotations to the provisional agenda are contained in document FCCC/CP/2002/1/Add.1 and Add.2.
[2] See document FCCC/CP/1996/2.

GE.02-63407 (E)

ENG

II. PROVISIONAL AGENDA

1. Opening of the session:
   - (a) Statement by the President of the Conference at its seventh session;
   - (b) Election of the President of the Conference at its eighth session;
   - (c) Statement by the President;
   - (d) Addresses of welcome;
   - (e) Statement by the Executive Secretary.
2. Organizational matters:
   - (a) Status of ratification of the Convention and its Kyoto Protocol;
   - (b) Adoption of the rules of procedure;
   - (c) Adoption of the agenda;
   - (d) Election of officers other than the President;
   - (e) Admission of organizations as observers;
   - (f) Organization of work, including the sessions of the subsidiary bodies;
   - (g) Date and venue of the ninth session of the Conference of the Parties;
   - (h) Calendar of meetings of Convention bodies, 2003–2007;
   - (i) Adoption of the report on credentials.
3. Reports of the subsidiary bodies and decisions and conclusions arising therefrom:
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   - (b) Report of the Subsidiary Body for Implementation.
4. Review of the implementation of commitments and of other provisions of the Convention:
   - (a) Financial mechanism:
     - (i) Report of the Global Environment Facility;
     - (ii) Funding under the Convention;
     - (iii) Review of the financial mechanism;
     - (iv) Additional guidance to an operating entity of the financial mechanism.
   - (b) National communications:
     - (i) National communications from Parties included in Annex I to the Convention;

(ii) Greenhouse gas inventories from Parties included in Annex I to the Convention;

(iii) National communications from Parties not included in Annex I to the Convention.

(c) Capacity-building;

(d) Development and transfer of technologies;

(e) Implementation of Article 4, paragraphs 8 and 9, of the Convention;

(f) Activities implemented jointly under the pilot phase.

5. Follow-up to the World Summit on Sustainable Development.

6. Second review of the adequacy of Article 4, paragraph 2 (a) and (b), of the Convention.[3]

7. Request from a group of countries of Central Asia and the Caucasus, Albania and the Republic of Moldova regarding their status under the Convention.

8. Preparations for the first session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol:

(a) Arrangements for the first session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol;

(b) Implementation of Article 2, paragraph 3, of the Kyoto Protocol;[4]

(c) Proposal by Canada for a decision on modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol in relation to cleaner energy exports;[5]

(d) Other matters referred to the Conference of the Parties by the subsidiary bodies.

9. Report of the executive board of the clean development mechanism.

10. Administrative and financial matters:

(a) Audited financial statements for the biennium 2000–2001;

(b) Income and budget performance in the biennium 2002–2003;

(c) Procedure for the appointment of an Executive Secretary.[6]

11. High-level segment attended by ministers and senior officials.

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[3] Following the inability of the Conference of the Parties at its fifth session to reach any conclusion on this matter (FCCC/CP/1999/6, para. 18), and following rule 10 (c) and rule 16 of the draft rules of procedure being applied, an item entitled "Second review of the adequacy of Article 4.2(a) and (b) of the Convention" was included in the provisional agenda for the Conference of the Parties at its sixth and seventh sessions. Attached to this item was a footnote reflecting a proposal made at the fifth session by the Group of 77 and China to amend this item to read "Review of the adequacy of implementation of Article 4, paragraph 2 (a) and (b), of the Convention". At its seventh session, the Conference of the Parties decided to include this item in the provisional agenda for its eighth session, accompanied by an appropriate explanatory footnote (see FCCC/CP/2001/13, paras. 29–30).

[4] Included at the request of Saudi Arabia.

[5] Included at the request of Canada.

[6] Included at the request of the Bureau.

12. Other matters.

13. Conclusion of the session:

(a) Adoption of the report of the Conference of the Parties on its eighth session;

(b) Closure of the session.

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Eighth session
New Delhi, 23 October–1 November 2002
Item 2 (c) of the provisional agenda

PROVISIONAL AGENDA

Note by the Executive Secretary

Addendum

ANNOTATIONS TO THE PROVISIONAL AGENDA

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The annotations to the provisional agenda for the eighth session of the Conference of the Parties were completed after consultations with the President of COP 7. Please note that the documents for each item of the provisional agenda are listed in the text box below the corresponding annotation where these are known at the time of writing

GE.02-63546 (E)

ENG

1. Opening of the session

1. The Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC) will hold its eighth session from 23 October to 1 November 2002, at the Vigyan Bhawan Conference Center, New Delhi, India. The session will open at 10 a.m. on Wednesday, 23 October 2002.

2. Pursuant to rule 26 of the draft rules of procedure being applied,[1] the session will be opened by the President of the Conference of the Parties at its seventh session (COP 7), His Excellency Mr. Mohamed Elyazghi, Minister of Territorial Planning, Urban Management, Housing and Environment of Morocco.

(a) Statement by the President of the Conference at its seventh session

(b) Election of the President of the Conference at its eighth session

3. Rule 22 of the draft rules of procedure being applied, specifies that the office of the President of the Conference is subject to rotation among the five regional groups. The President of COP 7 will call for the election of His Excellency Mr. T. R. Baalu, Minister of Environment and Forests (India), as the President of the Conference of the Parties at its eighth session (COP 8).

(c) Statement by the President

(d) Addresses of welcome

(e) Statement by the Executive Secretary

2. Organizational matters

(a) Status of ratification of the Convention and its Kyoto Protocol

4. **Background:** The Conference will have before it a status report on the ratification of the Convention, including the declarations made under Article 4, paragraph 2 (g). This report will confirm which States are Parties to the Convention and are therefore eligible to participate in decision-making. The number of Parties will total 186 during COP 8, including 185 States and one regional economic integration organization. The COP will also have before it in the same document a status report on the signature and ratification of the Kyoto Protocol. As at 12 August 2002, 78 Parties have deposited instruments of ratification or accession with the Secretary-General of the United Nations. This includes 22 Annex I Parties accounting for approximately 36 per cent of the Annex I emissions for 1990.

5. On 31 May 2002, the European Community and its Member States notified the secretariat of their decision to fulfil their commitments under the Kyoto Protocol jointly in accordance with Article 4 of the Protocol. In accordance with Article 4, paragraph 2, of the Kyoto Protocol, the secretariat has prepared a document to notify Parties and signatories to the Convention of the terms of the agreement by the European Community and its Member States.

6. **Action:** The COP will be invited to take note of the information contained in these documents and invite Parties, intending to do so, to expedite their ratification or accession to the Kyoto Protocol. The COP may also wish to invite Parties to provide to the secretariat any information regarding the expected timing of their ratification of the Kyoto Protocol.

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[1] See document FCCC/CP/1996/2

FCCC/CP/2002/INF 1	*Status of ratification of the United Nations Framework Convention on Climate Change and its Kyoto Protocol*
FCCC/CP/2002/2	*Agreement between the European Community and its Member States under Article 4 of the Kyoto Protocol*

(b) Adoption of the rules of procedure

7. **Background:** Article 7, paragraph 2 (k), of the Convention specifies that the COP shall "agree upon and adopt, by consensus, rules of procedure ... for itself and for any subsidiary bodies." After being unable to adopt its rules of procedure at previous sessions, the COP decided to apply the draft rules with the exception of draft rule 42 on voting.[2] It has also requested its successive Presidents to conduct consultations on the matter. The President of COP 7 informed the Conference that he intended to undertake further consultations with a view to achieving resolution on this matter.

8. **Action:** At the beginning of the session, the President of COP 7 will present an oral report on his consultations. In the absence of consensus, the COP may wish to decide to continue applying the draft rules of procedure contained in document FCCC/CP/1996/2. The COP may also wish to invite the President of COP 8 to undertake consultations to try to achieve adoption of the rules.

FCCC/CP/1996/2	*Organizational matters. Adoption of the rules of procedure*

(c) Adoption of the agenda

9 **Background:** Rule 9 of the draft rules of procedure specifies that "in agreement with the President, the secretariat shall draft the provisional agenda of each session" of the COP. In this context, the Executive Secretary, in agreement with the President of COP 7, has drafted the provisional agenda for COP 8, taking into account views expressed by Parties during the sixteenth session of the Subsidiary Body for Implementation (SBI) and by members of the Bureau, as well as requests received from Parties.

10. **Action:** The COP will be invited to consider and adopt the agenda for COP 8.

FCCC/CP/2002/1	*Provisional agenda Note by the Executive Secretary*
FCCC/CP/2002/1/Add.1 and 2	*Provisional agenda. Note by the Executive Secretary. Addendum. Annotations to the provisional agenda*

(d) Election of officers other than the President

11. **Background**: Rule 22 of the draft rules of procedure provides that "at the commencement of the first meeting of each ordinary session, a President, seven Vice-Presidents, the Chairmen of the subsidiary bodies established by Articles 9 and 10 of the Convention, and a Rapporteur shall be elected from among the representatives of the Parties present at the session. They will serve as the Bureau of the session. Each of the five regional groups shall be represented by two Bureau members and one Bureau member shall represent the small island developing States. The offices of President and Rapporteur shall normally be subject to rotation among the five regional groups." This rule further states that "no officer may serve on the Bureau for more than two consecutive terms of one year."

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[2] See documents FCCC/CP/1995/7, paragraph 10; FCCC/CP/1995/15, paragraph 15; FCCC/CP/1997/7, paragraph 21; FCCC/CP/1998/16, paragraph 11; FCCC/CP/1999/6, paragraph 14; FCCC/CP/2000/5/Add.1, paragraph 30; and FCCC/CP/2001/13, paragraph 22 The draft rules have been similarly applied, mutatis mutandis, to the subsidiary bodies

12. The President of COP 8 will be elected at the first plenary meeting, on Wednesday, 23 October. At the sixteenth session of the Subsidiary Body for Implementation (SBI 16), the President of COP 7 began consultations with regional group coordinators on the Bureau of COP 8, with the aim of advising the future President of COP 8 on the election of the other members of the Bureau. There will be a report on the outcome of these consultations. If necessary, further consultations will be held during the session. Parties may also recall decision 36/CP.7 on improving the participation of women in bodies established under the Convention and the Protocol.

13 Draft rule 27, paragraph 6, provides that "each subsidiary body shall elect its own Vice-Chairman and Rapporteur." However, if there is agreement on the nominations for these officers of the subsidiary bodies, they may also be elected by the Conference in plenary session.

14. **Action:** The COP will be invited to elect the members of the Bureau of COP 8 other than the President at the earliest opportunity, following completion of consultations. The Conference may wish to consider electing the Vice-Chairs and Rapporteurs of the subsidiary bodies.

(e) Admission of organizations as observers

15. **Background:** Article 7, paragraph 6, of the Convention states, inter alia, that "any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties present object." Following established procedure, the secretariat will invite those intergovernmental and non-governmental organizations accorded observer status at previous sessions of the Conference to attend COP 8. The procedure for admission to the Conference will apply only to new applicants for observer status. The Conference will have before it a document containing the list of organizations considered by the Bureau for admission as observers.

16. **Action:** The COP will be invited to consider and approve this list of organizations seeking admission as observers.

FCCC/CP/2002/5	*Organizational matters Admission of observers: intergovernmental and non-governmental organizations*

(f) Organization of work, including the sessions of the subsidiary bodies

17. **Background:** COP 8 will meet in conjunction with the seventeenth sessions of the subsidiary bodies (see paragraph 20 below).

18. At its first plenary meeting, on the morning of Wednesday, 23 October, the Conference will take up item one of the provisional agenda, "Opening of the session." The meeting will begin with a statement by the President of COP 7 to be followed by the election of the President of COP 8. Thereafter, there will be statements by the President, representatives of the host country and the Executive Secretary.

19. The Conference is then expected to deal with a number of procedural and substantive matters, including the adoption of the agenda and the organization of work of the session. A tentative approach to the scheduling of meetings is contained in annex I below, and the list of documents in annex II below.

20. The subsidiary bodies will be convened after the opening meeting of the Conference. They will attempt to finalize as many issues as possible, including matters referred by the COP for recommendation, and develop draft decisions and conclusions for submission to the Conference before

their sessions end on Tuesday, 29 October. No joint meetings of the subsidiary bodies are planned. The provisional agendas for the seventeenth sessions of the subsidiary bodies are contained in documents FCCC/SBI/2002/7 and FCCC/CP/SBSTA/2002/7.

21. The SBI, at its sixteenth session, endorsed the dates of Wednesday, 30 October to Friday, 1 November 2002, for the high-level segment of ministers and senior officials (see paragraphs 88–89 below for additional information).

22. The scheduling of meetings during the session is based on the availability of conference-servicing facilities during normal working hours. Given the heavy workload of the session, provision has been made for holding two simultaneous meetings, with full interpretation facilities, in the mornings and afternoons of the entire period, including Saturday, 26 October. It is also anticipated that either formal or informal meetings will be held every evening.

23. **Action:** The Conference will be invited to agree upon the organization of work of the session, including the proposed schedule of meetings, and to encourage the President of the Conference to conclude all negotiations by the close of business on Thursday, 31 October.

FCCC/CP/2002/1	*Provisional agenda. Note by the Executive Secretary*
FCCC/CP/2002/1/Add.1 and 2	*Provisional agenda. Note by the Executive Secretary. Addendum. Annotations to the provisional agenda.*
FCCC/SBI/2002/7	*Provisional agenda and annotations. Note by the Executive Secretary*
FCCC/SBSTA/2002/7	*Provisional agenda and annotations. Note by the Executive Secretary*

(g) Date and venue of the ninth session of the Conference of the Parties

24. **Background:** Rule 3 of the draft rules of procedure specifies that "the sessions of the Conference of the Parties shall take place at the seat of the secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the secretariat in consultation with the Parties." Rule 4, paragraph 2, also states that "at each ordinary session, the Conference of the Parties shall decide on the date and duration of the next ordinary session." A decision on the date and venue of COP 9 is therefore required at COP 8. The Conference has already agreed on the dates for the second sessional period in 2003, from 1 to 12 December 2003, which will be the dates for COP 9.[3]

25. At the time of writing, no offer has been received by the secretariat from a Party wishing to host COP 9. Parties wishing to host COP 9 are invited to submit their offers as soon as possible.

26. **Action:** The COP will be invited to refer this item to the SBI for its consideration and its recommendation of a decision on the date and venue of COP 9 for adoption by the Conference.

(h) Calendar of meetings of Convention bodies, 2003–2007

27. **Background:** At COP 7, the Conference adopted the calendar for meetings of Convention bodies for 2003–2007.[4]

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[3] See FCCC/CP/2001/13/Add 4, section V
[4] See FCCC/CP/2001/13/Add 4, section V

28. **Action:** The COP will be invited to consider if any changes should be made to the calendar of meetings.

(i) Adoption of the report on credentials

29. **Background:** Rule 19 of the draft rules of procedure specifies that "the credentials of representatives of Parties as well as the names of alternate representatives and advisers shall be submitted not later than twenty-four hours after the opening of the session. Any later change in the composition of the delegation shall also be submitted to the secretariat. The credentials shall be issued either by the head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization." In accordance with draft rule 20, the Bureau will be required to examine and report to the Conference on these credentials.

30. **Action:** Based on the report of the Bureau, the COP will be invited to approve the credentials of the representatives of Parties attending the session. Representatives will be entitled to participate provisionally in the session, pending this decision.

FCCC/CP/2002/6	*Adoption of the report on credentials*

3. Reports of the subsidiary bodies and decisions and conclusions arising therefrom

(a) Report of the Subsidiary Body for Scientific and Technological Advice

(b) Report of the Subsidiary Body for Implementation

31. **Background:** Article 7, paragraph 2 (j), of the Convention requires the Conference to review reports submitted by its subsidiary bodies and provide guidance to them. The COP will have before it the reports of the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation (SBI) on their sixteenth sessions, held in June 2002, and seventeenth sessions, to be held in October 2002.

32. **Action**: The COP will be invited to take note of these reports and to consider any draft decisions recommended for adoption.

FCCC/SBSTA/2002/6	*Report of the Subsidiary Body for Scientific and Technological Advice on its sixteenth session, held at Bonn from 5 to 14 June 2002*
FCCC/SBI/2002/6	*Report of the Subsidiary Body for Implementation on its sixteenth session, held at Bonn from 10 to 14 June 2002*

4. Review of implementation of commitments and of other provisions of the Convention

(a) Financial mechanism

(i) Report of the Global Environment Facility

33. **Background**: The Memorandum of Understanding between the COP and the Council of the Global Environment Facility (GEF), annexed to decision 12/CP.2, provides, inter alia, that the GEF will make available to the COP annual reports which should include specific information on how the GEF has applied the guidance and decisions of the COP in its work relating to the Convention.

34. **Action**: The COP will be invited to refer this item to the SBI for its consideration and its recommendation of any draft conclusions or decisions on the report of the GEF to the COP for adoption.

FCCC/CP/2002/4	*Report to the Global Environment Facility to the Conference*

(ii) Funding under the Convention

35. **Background**: The COP, by its decision 7/CP.7, established the special climate change fund and the Least Developed Countries Fund (LDC Fund). The decision stated that these funds shall be operated by an entity entrusted with the operation of the financial mechanism, under the guidance of the COP, and invited that entity to make the necessary arrangements for the purpose of establishing these funds and to report thereon to the COP at its eighth session. In decision 27/CP.7, the COP provided initial guidance to the entity in relation to the operation of the LDC Fund. However, the COP is yet to provide guidance in relation to the operation of the special climate change fund.

36. It should be noted that additional guidance to an operating entity of the financial mechanism concerning these funds is a common issue under items 4 (a) (iv) and 4 (e) of the provisional agenda, and a consolidated approach for addressing these agenda items is recommended.

37. **Action**: The COP will be invited to refer this item to the SBI for its consideration, together with items 4 (a) (iv) and 4 (e) of the provisional agenda, and its recommendation of any draft decisions or conclusions to the COP for adoption.

(iii) Review of the financial mechanism

38. **Background**: Information on the issues concerning this item can be found in the provisional agenda and annotations of SBI 17 (see FCCC/SBI/2002/7).

39. **Action**: The COP will be invited to refer this item to the SBI for its consideration and its recommendation of any draft decision on the second review of the financial mechanism to the COP for adoption.

(iv) Additional guidance to an operating entity of the financial mechanism

40. **Background:** Information on the issues concerning this item can be found in the provisional agenda and annotations of SBI 17 (see FCCC/SBI/2002/7), as well as paragraphs 35–36 above.

41. **Action**: The COP will be invited to refer this item to the SBI for its consideration, together with items 4 (a) (ii) and 4 (e) of the provisional agenda, and its recommendation of any draft decisions or conclusions to the COP for adoption.

(b) National communications

(i) National communications from Parties included in Annex I to the Convention

42. **Background**: The COP, by its decision 33/CP.7, requested the secretariat to apply procedures for the review of national communications, including in-depth reviews, as defined in decisions 2/CP.1 and 6/CP.3, to the third national communications, submitted by Parties included Annex I to the Convention in accordance with decision 11/CP.4. The secretariat has initiated the process of in-depth reviews, the progress report on which can be found in document FCCC/SBI/2002/INF.7.

43. **Action**: The COP will be invited to refer this item to the SBI for its consideration and its recommendation of any draft decision or conclusion to the COP for adoption.

(ii) Greenhouse gas inventories from Parties included in Annex I to the Convention

44. **Background**: The COP, by its decision 3/CP.5, decided that the revision of the guidelines for reporting of greenhouse gas inventories from Parties included in Annex I to the Convention shall be considered at its seventh session. By its decision 34/CP.7, the COP decided to defer the consideration of this matter for its eighth session. The COP, by its decision 6/CP.5, decided that the revision of the guidelines for the technical review of greenhouse gas inventories from Parties included in Annex I to the Convention shall be considered at its eighth session. The SBSTA, at its sixteenth session, elaborated the draft reporting and review guidelines for greenhouse gas inventories of Parties included in Annex I to the Convention and forwarded two draft decisions to COP 8 for adoption.

45. **Action**: The COP will be invited to adopt the draft decisions forwarded by SBSTA 16 (see FCCC/SBSTA/2002/6, para. 19 (a)). The COP will also be invited to consider any draft decisions to be forwarded by SBSTA 17 relating to training of members of the expert review teams and the treatment of confidential information by those teams under the Convention.

(iii) National communications from Parties not included in Annex I to the Convention

46. **Background**: Information on the issues concerning this item can be found in the provisional agenda and annotations of SBI 17 (see FCCC/SBI/2002/7).

47. **Action**: The COP will be invited to refer this item to the SBI for its consideration and its recommendation of any draft decisions to the COP for adoption.

(c) Capacity-building

48. **Background**: Information on the issues concerning this item can be found in the provisional agenda and annotations of SBI 17 (see FCCC/SBI/2002/7).

49. **Action**: The COP will be invited to refer this item to the SBI for its consideration and its recommendation of any draft decision or conclusion on implementation of the capacity-building frameworks to the COP for adoption.

(d) Development and transfer of technologies

50. **Background**: Pursuant to decisions 13/CP.1, 7/CP.2 and 9/CP.3, the COP decided to review, at each session, the implementation of Article 4, paragraphs 1 (c) and 5, of the Convention.

51. **Action**: The COP will be invited to refer this item to the SBSTA for its consideration and its recommendation of any draft decision or conclusion to the COP for adoption.

(e) Implementation of Article 4, paragraphs 8 and 9, of the Convention

52. **Background**: Information on the issues concerning this item can be found in the provisional agenda and annotations of SBI 17 (see FCCC/SBI/2002/7), as well as paragraphs 35–36 above.

53. **Action**: The COP will be invited to refer this item to the SBI for its consideration, together with items 4 (a) (ii) and 4 (a) (iv) of the provisional agenda, and its recommendation of any draft decisions or conclusions to the COP for adoption.

(f) Activities implemented jointly under the pilot phase

54. **Background**: The COP, by its decision 5/CP.1, established the pilot phase of activities implemented jointly (AIJ) and requested Parties to report on it to the COP through the secretariat.

Subsequently, by its decision 10/CP.3, the COP adopted the uniform reporting format (URF) and invited Parties to submit their reports in accordance with that format. Parties were requested by the COP to provide inputs to the secretariat on their experience in using the URF (see, inter alia, decision 8/CP.7).

55. The COP, by its decision 13/CP.5, requested the secretariat to prepare a further draft revision of the URF and a set of guidelines for its use, and by decision 8/CP.7 requested the secretariat to organize a workshop on this draft. The SBSTA, at its sixteenth session, recommended a draft decision on the revised URF to COP 8 for adoption.

56. **Action**: The COP will be invited to adopt the draft decision forwarded by SBSTA 16 (see FCCC/SBSTA/2002/6, para. 27 (b)). The COP will also be invited to consider any draft decisions forwarded by SBSTA 17 relating to the sixth annual synthesis report on AIJ under the pilot phase.

5. Follow-up to the World Summit on Sustainable Development

57 **Background:** The COP, at its seventh session, adopted the Marrakesh Ministerial Declaration (decision 1/CP.7) as its input to the World Summit on Sustainable Development (WSSD). It requested the President of the COP and the Executive Secretary to participate actively in the preparatory process for the Summit and in the Summit itself, and to provide a report to the COP at its eighth session.

58. The Marrakesh Ministerial Declaration was presented by the Executive Secretary to the second session of the preparatory committee for the WSSD held in New York from 28 January to 8 February 2002 The President of the COP made a statement on the Declaration at the fourth session of the preparatory committee, held in Bali from 28 May to 7 June 2002.

59. **Action:** The Executive Secretary will make an oral report on the outcome of the WSSD. The COP will be invited to take note of the report, and consider any appropriate follow-up.

6. Second review of the adequacy of Article 4, paragraph 2 (a) and (b), of the Convention

60. **Background**: Article 4, paragraph 2 (d), provides that a second review of the adequacy of Article 4, paragraph 2 (a) and (b), shall take place not later than 31 December 1998. At COP 4, it "proved impossible to reach any agreed conclusions or decisions" on this matter.[5] In accordance with rule 16[6] of the draft rules and procedures the item was ther placed on the provisional agenda of COP 5. During consideration of the provisional agenda of COP 5, the Group of 77 and China proposed amending the item to read as follows: "Review of the adequacy of implementation of Article 4, paragraph 2 (a) and (b), of the Convention." There was no agreement on that proposal and the President of COP 5 expressed his intention to undertake consultations with a view to reaching a consensus. The Conference accordingly adopted the agenda of the session, with the exception of the item in question, which was held in abeyance.

61. Following the inability of the Parties at COP 5 to reach conclusion on this matter, and following rule 16 and rule 10 (c) of the draft rules of procedure, an item "Second review of the adequacy of Article 4, paragraph 2 (a) and (b), of the Convention" was included in the provisional agenda for the sixth session. Attached to this item was a footnote reflecting the amendment proposed by the Group of 77 and China at COP 5.

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[5] FCCC/CP/1998/16, paragraph 64

[6] This rule states that "any item of the agenda of an ordinary session, consideration of which has not been completed at the session, shall be included automatically in the agenda of the next ordinary session, unless otherwise decided by the Conference of the Parties "

62. At COP 6 (part one), the Conference decided to hold this item in abeyance and include it in the provisional agenda for COP 7, with the accompanying footnote. At COP 7, the Conference also decided to hold this item in abeyance and include it in the provisional agenda for its eighth session. The President of COP 7 will report to the Conference on his consideration of possible ways of achieving consensus on the issues covered under this agenda item.

63. **Action:** The COP may wish to address this matter in the light of the above-mentioned report. The President may wish to conduct informal consultations with a view to concluding this item.

7. Request from a group of countries of Central Asia and the Caucasus, Albania and the Republic of Moldova regarding their status under the Convention

64. **Background:** The COP, at its seventh session, considered a letter to the Executive Secretary from the countries of Central Asia and the Caucasus and the Republic of Moldova seeking clarification on their status under the Convention. By its decision 35/CP.7, the COP invited the SBI to give further consideration to the above-mentioned request and to make recommendations thereon to the COP. The SBI, at its sixteenth session, considered this matter and requested its chair to continue his consultations during the intersessional period and report back to its seventeenth session.

65. **Action:** The COP may wish to refer this item to the SBI for its consideration and its recommendation of any draft decision or conclusion to the COP for adoption.

FCCC/CP/2001/12	*Other matters. Letter from the Central Asia, Caucasus and Moldova countries on their status under the Convention*

8. Preparations for the first session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

(a) Arrangements for the first session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

66. **Background:** In accordance with Article 13, paragraph 6, of the Protocol, the first session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (COP/MOP 1) shall be convened by the secretariat in conjunction with the first session of the COP that is scheduled after the date of entry into force of the Protocol. The SBI, at its sixteenth session, took note of the information on arrangements for intergovernmental meetings (see FCCC/SBI/2002/4) and views expressed by Parties, and agreed to consider this issue further at its seventeenth session (see FCCC/SBI/2002/12).

67. **Action:** The COP may wish to refer this item to the SBI for its consideration and its recommendation of any draft decision or conclusion to the COP for adoption.

(b) Implementation of Article 2, paragraph 3, of the Kyoto Protocol

68. **Background**: The secretariat has received a request from Saudi Arabia to include an item on the provisional agenda of COP 8 entitled "Implementation of Article 2, paragraph 3, of the Kyoto Protocol."[7]

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[7] A related item entitled "Issues related to the implementation of Article 2, paragraph 3, of the Kyoto Protocol" is included on the provisional agenda for the SBSTA, at its seventeenth session.

69. **Action**: The COP is invited to consider this request from Saudi Arabia and determine any appropriate action.

(c) Proposal by Canada for a decision on modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol in relation to cleaner energy exports

70. **Background**: In a letter to the Executive Secretary, dated 14 June 2002, Canada requested the inclusion of this item on the provisional agenda for COP 8 pursuant to rule 10 (d) of the draft rules of procedure. In the letter, Canada suggested including this item as a sub-item under "Preparations for the first session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol," and requested that the draft decision concerning this issue and submitted by Canada be circulated during COP 8.[8]

71. **Action**: The COP is invited to consider the request from Canada and determine any appropriate action.

(d) Other matters referred to the Conference of the Parties by the subsidiary bodies

72. **Background**: Any other matters concerning the Kyoto Protocol referred by the subsidiary bodies for the attention of the COP will be taken up under this item, including matters concerning guidelines under Articles 5, 7 and 8; technical standards under Article 7, paragraph 4; and "good practices" in policies and measures.

73. The COP, by its decisions 22/CP.7 and 23/CP.7, invited the SBSTA to complete the guidelines under Articles 7 and 8 of the Kyoto Protocol, as well as different aspects of their implementation with a view to recommending to COP 8 any draft decisions on these matters for adoption by COP/MOP 1. The COP also invited the SBSTA to consider how information on demonstrable progress under Article 3, paragraph 2, of the Kyoto Protocol will be presented and evaluated. The SBSTA, at its sixteenth session, forwarded a draft decision on demonstrable progress to COP 8 for adoption.

74. By its decision 19/CP.7, the COP requested the SBSTA to develop technical standards for the purpose of ensuring the accurate, transparent and efficient exchange of data between national registries, the clean development mechanism registry and the transaction log, with a view to recommending to COP 8 a draft decision on this matter, for adoption by COP/MOP 1, to facilitate the early development and establishment of national registries, as well as of the CDM registry and the transaction log.

75. The COP, by its decision 13/CP.7, requested the SBSTA to consider at its seventeenth session the initial results of the actions taken on "good practices" in policies and measures among Parties included in Annex I to the Convention, pursuant to this decision, to report them to COP 8 with a view to considering further action.

76. **Action**: The COP will be invited to adopt the draft decision on demonstrable progress forwarded by SBSTA 16 (see FCCC/SBSTA/2002/6, para. 24 (a)). The COP will also be invited to adopt any other draft decisions or conclusions to be forwarded by SBSTA 17, including on the pending parts of the guidelines under Articles 7 and 8, and aspects related to their implementation; technical standards for national registries, the CDM registry and the transaction log; and "good practices" in policies and measures.

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[8] This draft decision is contained in FCCC/SBSTA/2002/MISC.3/Add 1 A related item entitled "Issues related to cleaner or less greenhouse gas-emitting energy" is included on the provisional agenda for the SBSTA, at its seventeenth session

9. Report of the executive board of the clean development mechanism

77. **Background**: The COP, at its seventh session, decided to facilitate a prompt start for a clean development mechanism (CDM) by adopting decision 17/CP.7, and the annex thereto containing modalities and procedures for a CDM, and elected the members and alternate members of the executive board of the CDM. In accordance with this decision, the executive board shall, before entry into force of the Protocol, report on its activities to the COP and the COP shall review the annual reports of the executive board.[9]

78. The report by the executive board is contained in document FCCC/CP/2002/3 and Add.1–4. It provides information on progress made regarding the CDM, in particular on the implementation of the tasks in its work plan until COP 8; on the financing of administrative expenses for operating the CDM, in particular for facilitating its prompt start, for which Parties had been invited to make contributions to the UNFCCC Trust Fund for Supplementary Activities in accordance with decisions 17/CP.7 and 38/CP.7; and on modalities for observance of meetings of the executive board and the facilitation of communication between the board and the public. The report also contains the decisions taken by the board.

79. The report covers the period from 11 November 2001 until 3 August 2002. The work of the board and matters relevant to its work occurring after 3 August 2002 will be reported to COP 8 by the chair of the executive board, orally and/or through an addendum to the report.

80. Parties may wish to recall that the SBSTA is developing definitions and modalities for including afforestation and reforestation project activities under the CDM in the first commitment period.[10]

81. **Action:** The COP will be invited to review the report of the executive board of the CDM[11] and provide guidance to the executive board by taking decisions on the recommendations made by the executive board, including on its rules of procedure and on the designation of operational entities accredited by the executive board. The COP may also wish to reiterate the invitation to Parties to make contributions to the UNFCCC Trust Fund for Supplementary Activities to support activities relating to the prompt start of the CDM for the biennium 2002–2003. The COP may wish to invite the President to undertake consultations on the report.

FCCC/CP/2002/3 and Add.1–4	*Report of the executive board of the clean development mechanism*

10. Administrative and financial matters

(a) Audited financial statements for the biennium 2000–2001

82. **Background**: The financial procedures of the Convention (see decision 15/CP.1) require that a final audited statement of accounts for the full financial period shall be provided to the COP as soon as possible after the accounts for the financial period are closed. The audited financial statements for the biennium 2000–2001, as well as the report of the United Nations Board of Auditors on the financial statements are contained in document FCCC/SBI/2002/10.

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[9] In accordance with decision 17/CP 7, paragraphs. 2, 4 and 19, and paragraphs 2 to 5 of the annex to this decision

[10] See decision 17/CP 7, paragraph 10 (b).

[11] In accordance with paragraph 4 of the annex to decision 17/CP 7

83. **Action**: The COP will be invited to refer this item to the SBI for its consideration and its recommendation of any draft decision to the COP for adoption.

(b) Income and budget performance in the biennium 2002–2003

84. **Background**: Information on income and expenditure, as well as programme delivery during the first half of 2002, are contained in document FCCC/SBI/2002/11. This document also includes an update on personnel matters and administrative arrangements. Information on the latest status of contributions by Parties to the core budget, the Trust Fund for Participation in the UNFCCC Process and the Trust Fund for Supplementary Activities of the UNFCCC are in document FCCC/SBI/2002/INF.13.

85. **Action:** The COP will be invited to take note of the reports and to adopt any relevant draft decision on this matter referred by the SBI.

(c) Procedure for the appointment of an Executive Secretary

86. **Background**: The Bureau of COP 7, at its meeting held on 17 January 2002, requested that this matter be placed on the provisional agenda of a future COP.

87. **Action**: The COP will be invited to consider this matter, taking into account decision 14/CP.1, and determine any appropriate action.

11. High-level segment attended by ministers and senior officials

88. **Background:** The SBI, at its sixteenth session, endorsed the dates of 30 October to 1 November 2002 for the high-level segment of COP 8. The SBI also recommended that ministerial round table discussions, open to all heads of delegations, be the vehicle for ministers to exchange views at COP 8. The SBI invited the Bureau of COP 7, in collaboration with the secretariat and the Government of India, to give further consideration to the details and format, including themes for the round-table discussions, of the high-level segment of COP 8

89. Further information on the ministerial round table, including the format and possible themes, will be made available after the next meeting of the Bureau, and will be included in an addendum to this document.

12. Other matters

90. Any other matters for the attention of the COP will be taken up under this item.

13. Conclusion of the session

(a) Adoption of the report of the Conference on its eighth session

91. **Background**: A draft report on the work of the session will be prepared for adoption by the COP at the end of the session.

92. **Action**: In accordance with established practice, the COP will be invited to adopt the draft report and authorize the Rapporteur to complete the report after the session, under the guidance of the President and with the assistance of the secretariat.

(b) Closure of the session

93. The President will declare the session closed.

Annex I

OVERVIEW OF THE SESSIONAL PERIOD

Monday 21 October	Tuesday 22 October	Wednesday 23 October	Thursday 24 October	Friday 25 October	Saturday 26 October
		Opening plenary of eighth session of the Conference of the Parties Opening of the seventeenth sessions of the subsidiary bodies	Seventeenth sessions of the subsidiary bodies	*COP 8 Plenary meeting*	
Monday **28 October**	**Tuesday** **29 October**	**Wednesday** **30 October**	**Thursday** **31 October**	**Friday** **1 November**	**Saturday** **2 November**
Seventeenth sessions of the subsidiary bodies		Opening of high-level segment	High-level segment continues	COP 8 concludes: Adoption of decisions and conclusions	

Annex II

LIST OF DOCUMENTS

Documents prepared for the Conference of the Parties

FCCC/CP/2002/1	Provisional agenda. Note by the Executive Secretary
FCCC/CP/2002/1/Add.1 and 2	Provisional agenda. Note by the Executive Secretary. Addendum. Annotations to the provisional agenda
FCCC/CP/2002/2	Agreement between the European Community and its Member States under Article 4 of the Kyoto Protocol
FCCC/CP/2002/3 and Add.1–4	Report of the executive board of the clean development mechanism
FCCC/CP/2002/4	Report of the Global Environment Facility to the Conference
FCCC/CP/2002/5	Organizational matters. Admission of observers: intergovernmental and non-governmental organizations
FCCC/CP/2002/6	Adoption of the report on credentials
FCCC/CP/2001/13	Report of the Conference of the Parties on its seventh session, held at Marrakesh from 29 October to 10 November 2001. Part One: Proceedings
FCCC/CP/2001/13/Add.1 and Corr.1, Add.2, Add.3 and Corr.1 and Add.4 and Corr.1	Report of the Conference of the Parties on its seventh session, held at Marrakesh from 29 October to 10 November 2001. Addendum. Part Two: Action taken by the Conference of the Parties
FCCC/SBI/2002/7	Provisional agenda and annotations. Note by the Executive Secretary
FCCC/SBSTA/2002/7	Provisional agenda and annotations. Note by the Executive Secretary

Other documents for the Conference of the Parties

FCCC/CP/1996/2	Organizational matters. Adoption of the rules of procedure
FCCC/CP/2001/12	Other matters. Letter from the Central Asia, Caucasus and Moldova countries on their status under the Convention
FCCC/SBI/2002/6	Report of the Subsidiary Body for Implementation on its sixteenth session, held at Bonn from 10 to 14 June 2002

FCCC/SBSTA/2002/6	Report of the Subsidiary Body for Scientific and Technological Advice on its sixteenth session, held at Bonn from 5 to 14 June 2002
FCCC/SBSTA/2002/L.2/Add.1	Methodological issues. Activities implemented jointly under the pilot phase: uniform reporting format
FCCC/SBSTA/2002/L.5 and Add.1 and 2	Methodological issues. Guidelines on reporting and review of greenhouse gas inventories from parties included in Annex I to the Convention (Implementing decisions 3/and 6/CP.5). Addendum
FCCC/SBSTA/2002/L.6/Add.1	Methodological issues. Guidelines under Articles 5, 7 and 8 of the Kyoto Protocol. Addendum
FCCC/SBSTA/2002/MISC.3/Add.1	Proposal on cleaner or less greenhouse gas-emitting energy. Submissions from Parties. Note by the secretariat. Addendum. Submissions from a Party

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UNITED NATIONS

UNFCCC Framework Convention on Climate Change

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CONFERENCE OF THE PARTIES
Eighth session
New Delhi, 23 October – 1 November 2002

AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND ITS MEMBER STATES UNDER ARTICLE 4 OF THE KYOTO PROTOCOL

Note by the secretariat

1. Article 4, paragraphs 1 and 2, of the Kyoto Protocol states:

> "1. Any Parties included in Annex I that have reached an agreement to fulfil their commitments under Article 3 jointly, shall be deemed to have met those commitments provided that their total combined aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts calculated pursuant to their quantified emission limitation and reduction commitments inscribed in Annex B [illegible] in accordance with the provisions of Article 3. The respective emission level allocated to each of the Parties to the agreement shall be set out in that agreement.
>
> 2. The Parties to any such agreement shall notify the secretariat of the terms of the agreement on the date of deposit of their instruments of ratification, acceptance or approval of this Protocol, or accession thereto. The secretariat shall in turn inform the Parties and signatories to the Convention of the terms of the agreement."

2. The European Community and its Member States, by a decision adopted on 25 April 2002, have agreed to fulfil their commitments under Article 3, paragraph 1, jointly in accordance with Article 4 of the Kyoto Protocol.

3. The quantified emission limitation and reduction commitments agreed by the European Community and its Members States for the purpose of determining the respective emission levels allocated to each of them for the first commitment period from 2008 to 2012 are set out in annex II to the decision. The European Community and its Member States deposited their instruments of ratification, approval or accession with the Depositary on 31 May 2002. On that same day Austria, Belgium, Denmark, the European Community, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland notified the secretariat of their decision to fulfil their commitments jointly in accordance with Article 4 of the Kyoto Protocol.

4. In accordance with Article 4, paragraph 2, of the Kyoto Protocol, the secretariat has prepared the present document to notify the Parties and signatories to the Convention of the terms of the agreement. In order to reduce paper consumption, the text of the Kyoto Protocol, which was reproduced in its entirety in the decision referred to in paragraph 2 above, has been omitted. Since the notifications are identical, only one document is being issued. The text of the Council Decision is reproduced as received by the secretariat, without formal editing.

Annex

COUNCIL DECISION
of
25 April 2002

concerning the approval, on behalf of the European Community,
of the Kyoto Protocol to the United Nations Framework Convention
on Climate Change
and the joint fulfilment of commitments thereunder

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) in conjunction with Article 300(2), first sentence of the first subparagraph, and Article 300(3), first subparagraph, thereof,

Having regard to the proposal from the Commission [1],

Having regard to the Opinion of the European Parliament [2],

Whereas:

1. The ultimate objective of the United Nations Framework Convention on Climate Change ("the Convention"), which was approved on behalf of the Community by Council Decision 94/69/EC of 15 December 1993 concerning the conclusion of the United Nations Framework Convention on Climate Change [3], is to achieve stabilisation of greenhouse-gas concentrations in the atmosphere at a level which prevents dangerous anthropogenic interference with the climate system.

2. The Conference of the Parties to the Convention, at its first session, concluded that the commitment by developed countries to aim at returning, individually or jointly, their emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol to the Convention for the Protection of the Ozone Layer to 1990 levels by the year 2000 was inadequate for achieving the Convention's long-term objective of preventing dangerous anthropogenic interference with the climate system. The Conference further agreed to begin a process to enable appropriate action to be taken for the period beyond 2000, through the adoption of a protocol or another legal instrument [4].

3. This process resulted in the adoption on 11 December 1997 of the Kyoto Protocol to the United Nations Framework Convention on Climate Change ("the Protocol") [5].

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1 OJC
2 OJC
3 OJ L 33, 7.2.1994, p. 11.
4 Decision 1/CP.1: "The Berlin Mandate: Review of the adequacy of Article 4, paragraph 2(a) and (b), of the Convention, including proposals related to a protocol and decisions on follow-up".
5 Decision 1/CP.3: "Adoption of the Kyoto Protocol to the United Nations Framework Convention on Climate Change".

4. The Conference of the Parties to the Convention, at its fourth session, decided to adopt the Buenos Aires Plan of Action, to reach agreement on the implementation of key elements of the Protocol at the sixth session of the Conference of the Parties [6].

5. The core elements for the implementation of the Buenos Aires Plan of Action were agreed upon by consensus by the Conference of the Parties at its resumed sixth session in Bonn from 19 to 27 July 2001 [7].

6. A range of decisions giving effect to the Bonn Agreements were adopted by consensus by the Conference of the Parties at its seventh session in Marrakech from 29 October to 10 November 2001 [8].

7. The Protocol, under Article 24, is open for ratification, acceptance or approval by States and by regional economic integration organisations that have signed it.

8. The Protocol, under Article 4, provides for Parties to fulfil their commitments under Article 3 jointly, acting in the framework of and together with a regional economic integration organisation.

9. When the Protocol was signed in New York on 29 April 1998, the Community declared that it and its Member States would fulfil their respective commitments under Article 3(1) of the Protocol jointly in accordance with Article 4 thereof.

10. In deciding to fulfil their commitments jointly in accordance with article 4 of the Kyoto Protocol, the Community and the Member States are jointly responsible, under paragraph 6 of that article and in accordance with article 24(2) of the Protocol, for the fulfilment by the Community of its quantified emission reduction commitment under Article 3(1) of the Protocol. Consequently, and in accordance with Article 10 of the Treaty establishing the European Community, Member States individually and collectively have the obligation to take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations resulting from action taken by the institutions of the Community, including the Community's quantified emission reduction commitment under the Protocol, to facilitate the achievement of this commitment and to abstain from any measure that could jeopardise the attainment of this commitment.

11. The legal base of any further Decision in relation to the approval by the Community of future commitments in respect of emission reductions will be determined by the content and effect of that Decision.

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[6] Decision 1/CP.4: "The Buenos Aires Plan of Action".
[7] Decision 5/CP.6: "Implementation of the Buenos Aires Plan of Action".
[8] Decisions 2-24/CP.7: "The Marrakech Accords".

12. The Council agreed upon the contributions of each Member State to the overall Community reduction commitment in the Council conclusions of 16 June 1998 [9]. Certain Member States expressed assumptions concerning base year emissions and common and coordinated policies and measures. The contributions are differentiated to take account i.a. of expectations for economic growth, the energy mix and the industrial structure of the respective Member State. The Council further agreed that the terms of the agreement would be included in the Council Decision on the approval of the Protocol by the Community. Article 4(2) of the Protocol requires the Community and its Member States to notify the Secretariat, established by Article 8 of the Convention, of the terms of this agreement on the date of deposit of their instruments of ratification or approval. The Community and its Member States have an obligation to take measures in order to enable the Community to fulfil its obligations under the Protocol without prejudice to the responsibility of each Member State towards the Community and other Member States to fulfilling its own commitments.

13. The base-year emissions of the Community and its Member States will not be established definitively before the entry into force of the Protocol. Once these base-year emissions are definitively established and at the latest before the start of the commitment period, the Community and its Member States shall determine these emission levels in terms of tonnes of carbon dioxide equivalent in accordance with the procedure referred to in Article 8 of Council Decision 93/389/EEC of 24 June 1993 for a monitoring mechanism of Community CO2 and other greenhouse gas emissions [10].

14. The Gothenburg European Council on 15 and 16 June 2001 reaffirmed the determination of the Community and the Member States to meet their commitments under the Protocol, and stated that the Commission will prepare a proposal for ratification before the end of 2001 making it possible for the Community and its Member States to fulfil their commitment rapidly to ratify the Protocol.

15. The Laeken European Council on 14 and 15 December 2001 confirmed the Union's determination to honour its commitment under the Kyoto Protocol and its desire that the Protocol should come into force before the Johannesburg World Summit on Sustainable Development, 26 August to 4 September 2002.

16. The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [11],

HAS ADOPTED THIS DECISION:

Article 1

The Kyoto Protocol to the United Nations Framework Convention on Climate Change ("the Protocol") signed on 29 April 1998 in New York is hereby approved on behalf of the European Community.

The text of the Protocol is set out in Annex I.

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[9] Doc. 9702/98 of 19 June 1998 of the Council of the European Union reflecting the outcome of proceedings of the Environment Council of 16-17 June 1998, Annex I.

[10] OJ L 167, 9.7.1993, p. 31. Decision as last amended by Decision 99/296/EC (OJ L 117, 5.5.1999, p. 35).

[11] OJ L 184, 17.7.1999, p.23

Article 2

The European Community and its Member States shall fulfil their commitments under Article 3(1) of the Protocol jointly, in accordance with the provisions of Article 4 thereof, and with full regard to the provisions of Article 10 of the Treaty establishing the European Community.

The quantified emission limitation and reduction commitments agreed by the European Community and its Member States for the purpose of determining the respective emission levels allocated to each of them for the first quantified emission limitation and reduction commitment period, from 2008 to 2012, are set out in Annex II.

The European Community and its Member States shall take the necessary measures to comply with the emission levels set out in Annex II, as determined in accordance with Article 3 of this Decision.

Article 3

The Commission shall, at the latest by 31 December 2006 and in accordance with the procedure referred to in Article 4(2) of this Decision, determine the respective emission levels allocated to the European Community and to each Member State in terms of tonnes of carbon dioxide equivalent following the establishment of definitive base-year emission figures and on the basis of the quantified emission limitation or reduction commitments set out in Annex II, taking into account the methodologies for estimating anthropogenic emissions by sources and removals by sinks referred to in Article 5(2) of the Protocol and the modalities for the calculation of assigned amount pursuant to Article 3(7) and (8) of the Protocol.

The assigned amount of the European Community and of each Member State shall be equal to its respective emission level determined in accordance with this Article.

Article 4

1. The Commission shall be assisted by the committee instituted by Article 8 of Decision 93/389/EEC.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

Article 5

1. The President of the Council is hereby authorised to designate the person or persons empowered to notify, on behalf of the European Community, this Decision to the Secretariat of the United Nations Framework Convention on Climate Change in accordance with Article 4(2) of the Protocol.

2. The President of the Council is hereby authorised to designate the person or persons empowered to deposit, on the same date as the notification referred to in paragraph 1, the instrument of approval with the Secretary-General of the United Nations in accordance with Article 24(1) of the Protocol, in order to express the consent of the Community to be bound.

3. The President of the Council is hereby authorised to designate the person or persons empowered to deposit, on the same date as the notification referred to in paragraph 1, the declaration of competence set out in Annex III, according to the provisions of Article 24(3) of the Protocol.

Article 6

1. When depositing their instruments of ratification or approval of the Protocol, Member States shall notify, at the same time and on their own behalf, this Decision to the Secretariat of the United Nations Framework Convention on Climate Change in accordance with Article 4(2) of the Protocol.

2. Member States shall endeavour to take the necessary steps with a view to depositing their instruments of ratification or approval simultaneously with those of the European Community and the other Member States and as far as possible not later than 1 June 2002.

3. Member States shall inform the Commission not later than 1 April 2002 of their decisions to ratify or to approve the Protocol or, according to the circumstances, of the probable date of completion of the requisite procedures. The Commission shall, in cooperation with the Member States, arrange a date for depositing the instruments of ratification or approval simultaneously.

Article 7

This Decision is addressed to the Member States.

Done at Luxembourg, 25.04.2002

For the Council

The President

signed by:

M. Rajoy Brey

ANNEX I

[THE TEXT OF THE KYOTO PROTOCOL HAS BEEN OMITTED IN ORDER TO REDUCE PAPER CONSUMPTION]

ANNEX II

TABLE OF QUANTIFIED EMISSION LIMITATION OR REDUCTION COMMITMENTS FOR THE PURPOSE OF DETERMINING THE RESPECTIVE EMISSION LEVELS ALLOCATED TO THE EUROPEAN COMMUNITY AND ITS MEMBER STATES IN ACCORDANCE WITH ARTICLE 4 OF THE KYOTO PROTOCOL

	QUANTIFIED EMISSION REDUCTION COMMITMENT AS LAID DOWN IN ANNEX B OF THE KYOTO PROTOCOL (percentage of base year or period)
EUROPEAN COMMUNITY	92%
	QUANTIFIED EMISSION LIMITATION OR REDUCTION COMMITMENT AS AGREED IN ACCORDANCE WITH ARTICLE 4(1) OF THE KYOTO PROTOCOL (percentage of base year or period)
BELGIUM	92.5%
DENMARK	79%
GERMANY	79%
GREECE	125%
SPAIN	115%
FRANCE	100%
IRELAND	113%
ITALY	93.5%
LUXEMBOURG	72%
NETHERLANDS	94%
AUSTRIA	87%
PORTUGAL	127%
FINLAND	100%
SWEDEN	104%
UNITED KINGDOM	87.5%

ANNEX III

DECLARATION BY THE EUROPEAN COMMUNITY MADE IN ACCORDANCE WITH ARTICLE 24(3) OF THE KYOTO PROTOCOL

The following States are at present members of the European Community: the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland.

The European Community declares that, in accordance with the Treaty establishing the European Community, and in particular Article 175(1) thereof, it is competent to enter into international agreements, and to implement the obligations resulting therefrom, which contribute to the pursuit of the following objectives:

- preserving, protecting and improving the quality of the environment;
- protecting human health;
- prudent and rational utilisation of natural resources;
- promoting measures at international level to deal with regional or world wide environmental problems.

The European Community declares that its quantified emission reduction commitment under the Protocol will be fulfilled through action by the Community and its Member States within the respective competence of each and that it has already adopted legal instruments, binding on its Member States, covering matters governed by the Protocol.

The European Community will on a regular basis provide information on relevant Community legal instruments within the framework of the supplementary information incorporated in its national communication submitted under Article 12 of the Convention for the purpose of demonstrating compliance with its commitments under the Protocol in accordance with Article 7(2) thereof and the guidelines thereunder.

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Item 9 of the provisional agenda

FIRST REPORT OF THE EXECUTIVE BOARD OF THE CLEAN DEVELOPMENT MECHANISM (2001–2002)*

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* This document takes into account conclusions from the fifth meeting of the Executive Board on 1–2 August 2002, and was finalized on 26 August 2002.

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I. INTRODUCTION

A. Mandate

1. The Conference of the Parties (COP), at its seventh session, decided to facilitate a prompt start for a clean development mechanism (CDM) by adopting decision 17/CP.7, and the annex thereto containing modalities and procedures for a CDM (hereinafter referred to as "the CDM modalities and procedures") (FCCC/CP/2001/13/Add.2). The COP elected the members and alternate members of the Executive Board of the CDM at that session (FCCC/CP/2001/13/Add.4) and decided that the Board shall convene its first meeting immediately upon the election of its members.

2. Bearing in mind paragraphs 2, 4 and 19 of decision 17/CP.7, and in accordance with the provisions of paragraphs 2 to 5 of the CDM modalities and procedures, the Executive Board shall, until entry into force of the Kyoto Protocol, report on its activities to each session of the COP and the COP shall review the annual reports of the Executive Board. Once the Protocol has entered into force, the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (COP/MOP), through adopting draft decision -/CMP.1 (Article 12) recommended by the COP at its seventh session, shall have authority over and provide guidance to the CDM (FCCC/CP/2001/13/Add.2).

B. Scope of the report

3. This report by the Executive Board provides information to the COP, at its eighth session (COP 8), on progress made regarding the CDM, in particular on the implementation of the tasks in its work plan until COP 8 referred to in paragraph 6 of decision 17/CP.7, and recommends decisions to be taken by the COP at its eighth session, as appropriate. The report further contains information on the financing of administrative expenses for operating the CDM for which Parties have been invited to make contributions to the UNFCCC Trust Fund for Supplementary Activities in paragraph 17 of decision 17/CP.7 and in paragraph 14 of decision 38/CP.7. It also gives information on modalities for implementing the provision of paragraph 16 of the CDM modalities and procedures (regarding attendance by observers of Board meetings); the facilitation of communication between the Board and the public; and decisions taken by the Board.

4. This first annual report covers the period between 10 November 2001 and 2 August 2002. The work of the Board and matters relevant to its work occurring after 2 August 2002 will be reported to the COP at its eighth session by the Chair of the Board, Mr. John W. Ashe, orally and/or through an addendum to this document, as appropriate.

C. Action to be taken by the COP

5. In accordance with the provisions of paragraphs 3 and 4 of the CDM modalities and procedures and of paragraph 6 of decision 17/CP.7, the COP, at its eighth session, may wish to review and take note of the first annual report of the Executive Board (2001–2002) and provide guidance to the Executive Board by taking decisions on:

(a) The recommendations made by the Executive Board on its rules of procedure contained in annex I to this report;

(b) The recommendations made by the Executive Board, in accordance with provisions of decision 17/CP.7, including the CDM modalities and procedures, in particular regarding simplified modalities and procedures for eligible small-scale CDM project activities contained in annex II to this report;

(c) The designation, as appropriate, of operational entities accredited by the Executive Board in accordance with Article 12, paragraph 5, of the Kyoto Protocol, and accreditation standards contained in appendix A of the CDM modalities and procedures.

6. The COP may wish to extend, beyond its eighth session, the mandate to the Executive Board to provisionally designate operational entities which the Board has accredited, pending their designation by the COP.

7. The COP, at its eighth session, may wish to reiterate the invitation to Parties to make contributions to the UNFCCC Trust Fund for Supplementary Activities to support activities relating to the prompt start of the CDM, including for the development of the CDM registry.

II. ORGANIZATIONAL MATTERS BEFORE THE EXECUTIVE BOARD

8. The Executive Board held five meetings during the reporting period. The agenda, the annotated agenda, including documentation supporting agenda items, and the report of each Executive Board meeting have been made publicly available on the UNFCCC CDM web site (http://unfccc.int/cdm/ebmeet.html). The report of each Board meeting provides information on the attendance by its members and alternate members and a reference to the fulfilment of quorum requirements.

A. Oath of service

9. Prior to assuming their functions on the Executive Board, all members and alternate members of the Board signed a written oath of service in accordance with paragraph 8 (e) of the CDM modalities and procedures.

B. Election of the Chair and the Vice-Chair of the Executive Board

10. In accordance with paragraph 12 of the CDM modalities and procedures, the Executive Board elected, by consensus, Mr. John W. Ashe as Chair and Mr. Sozaburo Okamatsu as Vice-Chair of the Executive Board.

11. In its draft rules of procedure, the Board stipulated provisions relating to officers serving the Board in addition to those contained in the CDM modalities and procedures (refer to annex I, section D, of this report).

C. Calendar of Executive Board meetings in 2001–2002

12. The inaugural meeting of the Board was held in Marrakesh, Morocco, on 10 November 2001, immediately upon the closing of COP 7. The Board adopted, at its second meeting, a calendar of meetings in 2002 envisaging the need to hold a total of six meetings. After further modifications made by the Board, the calendar of meetings in 2001–2002 stands as follows:

Dates	Location
10 November 2001	Marrakesh, Morocco
14–16 January 2002	Bonn, Germany
9–10 April 2002	Bonn, Germany
9–10 June 2002	Bonn, Germany (coinciding with the sixteenth session of the subsidiary bodies)
1–2 August 2002	Bonn, Germany
23–24 October 2002	New Delhi, India (coinciding with the eighth session of the COP).

D. Rules of procedure

13. The Board adopted its draft rules of procedure at its second meeting and, in accordance with paragraph 6 (a) of decision 17/CP.7, subsequently applied them, with the understanding that they would remain under consideration by the Board at its subsequent meetings. The Board invites the COP to take a decision on its recommendation on its rules of procedure, as contained in annex I to this report, while continuing to apply draft rules until then.

14. The Board agreed that in the event of a question of interpretation arising on decision 17/CP.7 and the CDM modalities and procedures, which the Board is unable to resolve, it would refer the question(s) to the COP or COP/MOP, as appropriate, for further clarification.

E. Facilitating communication

15. In order to facilitate cost-effective communication among Board members and alternate members, an electronic listserv and an extranet have been created and maintained. Listservs and extranets have also been created and maintained to exchange information among members of panels.

III. WORK PLAN UNTIL THE EIGHTH SESSION OF THE CONFERENCE OF THE PARTIES

A. Accreditation process for operational entities

1. Mandate and background

16. In accordance with paragraphs 2, 4 and 6 (b) of decision 17/CP.7 and paragraph 5 (f) of the CDM modalities and procedures, the Executive Board is responsible for the accreditation of operational entities, for making recommendations to the COP for their designation and for the provisional designation of such entities pending their designation by the COP at its eighth session. The COP, in accordance with paragraph 3 (c) of the CDM modalities and procedures, takes decisions on the designation of operational entities accredited by the Board.

17. Further, in accordance with paragraph 5 (f) (ii) of the CDM modalities and procedures, the Board is responsible for the operationalization of accreditation procedures and standards. Also, in accordance with paragraph 5 (g) of the CDM modalities and procedures, it shall review the accreditation standards in appendix A to the CDM modalities and procedures and make recommendations to the COP for its consideration, as appropriate.

18. In its work on accreditation, the Board has been aware that, in accordance with paragraph 4 (b) of the CDM modalities and procedures, the COP/MOP would review the regional and subregional distribution of designated operational entities and take appropriate decisions to promote accreditation of such entities from developing country Parties.

2. Work undertaken and action taken, including decisions, as appropriate

19. The Board undertook the operationalization of accreditation procedures and standards. Taking into consideration inputs by the secretariat, the Board agreed:

(a) To establish, in accordance with paragraphs 18 and 25 of the CDM modalities and procedures and agreed terms of reference, a CDM accreditation panel (CDM-AP) and to designate Mr. John Kilani and Mr. Oleg Pluzhnikov as Chair and Vice-Chair, respectively, of the CDM-AP. The following members of the CDM-AP were selected to serve for a term of one and a half years, based on applications received following a public call for experts: Mr. Vijay Mediratta, Ms. Maureen Mutasa, Mr. Raul Prando, Mr. Takashi Ohtsubo and Mr. Arve Thendrup. The International Accreditation Forum

was invited to join the CDM-AP in an advisory capacity. In support of the panel, ad hoc assessment teams (CDM-AT) shall undertake the detailed assessment work. Members of this panel and team members are to be paid fees in accordance with rules and regulations of the United Nations;

(b) To maintain on the UNFCCC CDM web site, and to announce, through other appropriate channels, a call for experts qualified to be members of a CDM-AT, in order to facilitate and accelerate the establishment of these teams by the CDM-AP when needed;

(c) To levy a non-reimbursable application fee to the applicant entity (fixing the present level of the fee at US $ 15,000 per application) and to charge other costs related to the implementation of the accreditation procedure to the applicant entity. The Board invited the secretariat to give further attention to measures to facilitate the involvement of operational entities from developing country Parties and from Parties with economies in transition;

(d) To approve procedural guidelines for accreditation of operational entities, including the forms for accreditation;

(e) To launch the accreditation process as of 9 August 2002 (see http://unfccc.int/cdm/doe.html).

B. Simplified modalities and procedures for small-scale CDM project activities

1. Mandate and background

20. In paragraph 6 (c) of decision 17/CP.7, the COP requests the Executive Board to develop and recommend to the COP, at its eighth session, simplified modalities and procedures for the following small-scale CDM project activities:

(a) Renewable energy project activities with a maximum output capacity equivalent of up to 15 megawatts (or an appropriate equivalent);

(b) Energy efficiency improvement project activities which reduce energy consumption, on the supply and/or demand side, by up to the equivalent of 15 gigawatthours per year;

(c) Other project activities that both reduce anthropogenic emissions by sources and directly emit less than 15 kilotonnes of carbon dioxide equivalent annually.

2. Work undertaken and action taken, including decisions, as appropriate

21. The Board considered a draft work plan to develop recommendations to the COP, at its eighth session, on simplified modalities and procedures for small-scale CDM project activities, and agreed that public comments should be sought on the draft work plan. Taking into account 24 comments received, and inputs by the secretariat, the Board agreed:

(a) To adopt clarifications on the definitions of eligible small-scale CDM project activities, as contained in annex II to this report, and recommend them to the COP for its consideration;

(b) To establish, in accordance with paragraph 18 of the CDM modalities and procedures, an expert panel to develop recommendations to the Board on simplified modalities and procedures (SSC Panel) and designate Mr. John W. Ashe and Mr. Sozaburo Okamatsu as Chair and Vice-Chair, respectively, of the SSC Panel. On the basis of terms of reference for the SSC Panel approved by the Board in accordance with rule 29 of its draft rules of procedure being applied, a call for experts was posted on the UNFCCC CDM web site. Ten experts (Mr. Albert Binger, Ms. Martina Bosi, Mr. Moussa Kola Cisse, Mr. Pedro Maldonado, Mr. Serguei Molodtsov, Mr. Binu Parthan,

Mr. Govinda Raj Timilsina, Mr. Lasse Ringius, Mr. Taishi Sugiyama and Mr. Steven Thorne) were selected as panel members. The SSC Panel performed its work during the period April–July 2002 and held three meetings (3 May, New York (United States), 11 June, Bonn (Germany) and 2–3 July, Bonn (Germany)). The recommendations by the SSC Panel were submitted for consideration by the Board at its fifth meeting and made publicly available on the UNFCCC CDM web site;

(c) To express its appreciation to the members of the SSC Panel for the work undertaken;

(d) To recommend to the COP, at its eighth session, taking into consideration recommendations by the SSC Panel, as appropriate, simplified modalities and procedures for small-scale CDM project activities as contained in annex II to this report.

C. Guidelines for methodologies for baselines and monitoring plans

1. Mandate and background

22. In paragraph 6 (d) of decision 17/CP.7, the COP requests the Executive Board to prepare recommendations on any relevant matter, including appendix C to the CDM modalities and procedures, for consideration by the COP at its eighth session.

2. Work undertaken and action taken, including decisions, as appropriate

23. The Board agreed:

(a) To establish, in accordance with paragraph 18 of the CDM modalities and procedures, an expert panel to develop recommendations to the Board on guidelines for methodologies for baselines and monitoring plans (Meth Panel), in accordance with appendix C of the CDM modalities and procedures, and on proposed new methodologies for baselines and monitoring plans, and to designate Mr. Luiz Gylvan Meira Filho and Mr. Jean-Jacques Becker as Chair and Vice-Chair, respectively, of the Meth Panel. On the basis of the terms of reference for the Meth Panel, approved by the Board in accordance with rule 29 of its draft rules of procedure being applied, a call for experts was posted on the UNFCCC CDM web site. Ten experts (Mr. Vladimir K. Berdin, Mr. Oscar Coto, Mr. Liu Deshun, Ms. Jane Ellis, Mr. Christophe de Gouvello, Ms. Sujata Gupta, Mr. Michael Lazarus, Mr. Roberto Schaeffer, Mr. Harald Winkler and Mr. Peter Zhou) were selected as panel members. Members of this panel are to be paid fees in accordance with rules and regulations of the United Nations. The Meth Panel held its first meeting on 12 June 2002 in Bonn, Germany. The report of this meeting was forwarded to the Board via listserv and subsequently made publicly available on the UNFCCC CDM web site;

(b) To request the secretariat to develop a draft of the CDM project design document (CDM-PDD), taking into account appendix B of the CDM modalities and procedures as well as relevant experience gained with the uniform reporting format for activities implemented jointly under the pilot phase;

(c) To request the Meth Panel to elaborate, with the assistance of the secretariat, precise and workable recommendations, for consideration by the Executive Board, on a draft CDM-PDD for consideration and adoption by the Executive Board. A revised version of the CDM-PDD, taking into account inputs and comments by panel members, was circulated to the Board and panel members, and made available on the UNFCCC CDM web site for public comments from 3 to 11 July 2002;

(d) To release the CDM-PDD on 29 August 2002, taking into consideration comments provided by members and alternates as well as by members of the Meth Panel and the public, as appropriate;

(e) To request the secretariat to post an announcement on the UNFCCC CDM web site on 29 August 2002 to advise potential project participants as to the availability of the CDM-PDD;

(f) To make publicly available the CDM-PDD in all official languages of the United Nations, in accordance with paragraph 17 of the modalities and procedures and rule 30 of its draft rules of procedure being applied.

D. Modalities for collaboration with the Subsidiary Body for Scientific and Technological Advice

1. Mandate and background

24. In paragraph 6 (e) of decision 17/CP.7, the COP requested the Executive Board to identify modalities for seeking collaboration with the Subsidiary Body for Scientific and Technological Advice (SBSTA) on methodological and scientific issues.

2. Work undertaken and action taken, including decisions, as appropriate

25. In accordance with rule 14 of its draft rules of procedure being applied, the Board agreed to designate members, as necessary, to follow work undertaken by the SBSTA on methodological and scientific issues relating to the work of the Executive Board. The Board designated:

(a) Mr. Franz Tattenbach and Mr. Hans Jürgen Stehr to follow the work undertaken by the SBSTA on developing definitions and modalities for including afforestation and reforestation project activities under the CDM in the first commitment period, to regularly update the Board on developments, and to share the views of the Board with the SBSTA Chair as necessary;

(b) Mr. Mohammad Reza Salamat and Mr. Oleg Pluzhnikov to follow the intersessional consultations on registries and the development of technical standards, and to update the Board on developments.

26. The Board, at its fifth meeting, noted that the terms of reference and the agenda for work to develop definitions and modalities for including afforestation and reforestation activities under the CDM in the first commitment period, adopted by the SBSTA at its sixteenth session, stipulate that the SBSTA should take into account relevant work by the CDM Executive Board. The Board requested Mr. Tattenbach and Mr. Stehr to continue following the SBSTA deliberations on this issue, liaising with the SBSTA Chair and updating the Board on further developments.

27. The Board further took note of progress made in consultations on registries and the development of technical standards, and agreed on the need to start the development of a CDM registry in an expedited manner, subject to the availability of resources.

E. Definition of terms of reference for panels and selection of members

1. Mandate and background

28. Paragraph 18 of the CDM modalities and procedures stipulates that the Executive Board may establish committees, panels or working groups to assist it in the performance of its functions. The Executive Board shall draw on the expertise necessary to perform its functions, including from the UNFCCC roster of experts. In this context, it shall take fully into account the consideration of regional balance.

2. Work undertaken and action taken, including decisions, as appropriate

29. The Board agreed:

(a) To develop general guidelines for panels, further to the adoption of section VII of its draft rules of procedure being applied;

(b) To adopt the practice that members and alternates should not promote candidates being considered as members for a panel;

(c) That the payment of fees to members of a panel shall be decided depending on the terms of reference of the panel in question;

(d) That reports from panels to the Executive Board shall be made publicly available, subject to the confidentiality provisions stipulated in paragraph 2 of rule 24 of its draft rules of procedure being applied.

IV. AVAILABILITY OF RESOURCES

1. Mandate and background

30. In paragraph 17 of decision 17/CP.7, the COP invited Parties to finance the administrative expenses for operating the CDM by making contributions to the UNFCCC Trust Fund for Supplementary Activities. Such contributions shall be reimbursed, if requested, in accordance with procedures and a timetable to be determined by the Conference of the Parties upon the recommendation of the Executive Board.

31. In paragraph 14 of decision 38/CP.7, Parties are invited in particular to contribute US$ 6.8 million to the UNFCCC Trust Fund for Supplementary Activities in order to facilitate the prompt start of the CDM during the period 2002–2003. This is in addition to core resources contained in the UNFCCC programme budget 2002–2003 for carrying out, inter alia, work related to the design, development and operation of the CDM (see FCCC/SBI/2001/17 and FCCC/SBI/2001/17/Add.2).

32. Paragraph 17 of decision 17/CP.7 further stipulates that until the Conference of the Parties determines a percentage for the share of proceeds for the administrative expenses, the Executive Board shall charge a fee to recover any project-related expenses.

2. Work undertaken and action taken, including decisions, as appropriate

33. Regarding the resources required for facilitating the prompt start of the CDM in 2002–2003, which are in addition to those provided in the programme budget 2002–2003, the Board:

(a) Considered a project document entitled "Resource requirements for the prompt start of the CDM". On this basis, it requested the secretariat to seek contributions to the UNFCCC Trust Fund for Supplementary Activities, in accordance with decisions 17/CP.7 and 38/CP.7;

(b) Made an urgent appeal to Parties to provide resources for the prompt start of the CDM so that work could be undertaken as planned.

34. The following Parties committed contributions to the UNFCCC Trust Fund for Supplementary Activities in order to facilitate the prompt start of the CDM: Japan (US$ 500,000), Canada (US$ 121,186), United Kingdom of Great Britain and Northern Ireland (US$ 28,570), Switzerland (US$ 13,198) and Germany (US$ 10,690 through the Bonn Fund). In addition to this amount of US$ 673,644, activities undertaken since COP 7 to facilitate the prompt start of the CDM were financed by reallocating US$ 210,418 from the "Project for secretariat support to Parties for the design,

development and operation of the mechanisms referred to in Articles 6, 12 and 17 of the Kyoto Protocol" which was closed at the end of 2001.

35. Regarding the issue of fees, the Board agreed, on the basis of a note prepared by the secretariat, that an amount to be determined by the Board will be charged as a registration fee and agreed on the payment procedures as contained in the report of its fifth meeting. As stated in paragraph 19 (c) above, the Board agreed that operational entities shall pay an application fee of US$ 15,000.

V. MODALITIES FOR ATTENDANCE BY OBSERVERS TO MEETINGS OF THE EXECUTIVE BOARD

1. Mandate and background

36. Paragraph 16 of the CDM modalities and procedures stipulates that meetings of the Executive Board shall be open to attendance, as observers, by all Parties and by all UNFCCC accredited observers and stakeholders, except where otherwise decided by the Executive Board.

2. Work undertaken and action taken, including decisions, as appropriate

37. The Executive Board agreed on rule 26 of its draft rules of procedure and requested the secretariat to secure for its meetings a viewing room for about 50 observers. The Board agreed that observers shall register with the secretariat at the latest three weeks before a meeting.

38. Board meetings were attended by an average of 15 observers per meeting. Observers physically present represented Parties to the Convention, UNFCCC accredited non-governmental organizations (NGOs) and intergovernmental organizations (IGO) from North America, Eastern Europe and Asia. Only four observers were from Parties not included in Annex I.

39. Regarding the use of the UNFCCC CDM webcast, on the basis of a sample of one month, about 500 different individual visitors accessed it to view a meeting. Visits to the webcasting page were mainly from North America, followed by Western Europe, Asia, Oceania, South America, Eastern Europe, Central America and Southern Africa.

40. The Board requested the secretariat to bear in mind, when arranging future meetings, the issue of modalities for physical access of stakeholders to meetings, in particular when meetings are held in conjunction with sessions of the COP, the COP/MOP or their subsidiary bodies.

VI. FACILITATION OF COMMUNICATION BETWEEN THE BOARD AND THE PUBLIC

1. Mandate and background

41. The CDM modalities and procedures contain provisions for the Executive Board to make information publicly available (in particular, paragraphs 5 (i), (j), (k) and (m)).

2. Work undertaken and action taken, including decisions, as appropriate

42. In response to the above mandates, a UNFCCC CDM web site (http://unfccc.int/cdm) was created and has been regularly updated. The Board envisages, subject to the availability of resources, to make information from the UNFCCC CDM web site available on diskette and CD-ROM for interested users without access to the Internet.

43. In addition to the above mandates, the Board has instituted the practice of making publicly available, through the UNFCCC CDM web site, the agenda, the annotated agenda (including

documentation supporting agenda items), and the report of each Executive Board meeting (http://unfccc.int/cdm/ebmeet.html) as well as reports and recommendations from its panels.

44. The Board established the practice of seeking public comments and inputs on several matters addressed by the Board or by a panel. Examples of documents on which the Board sought such inputs include the "Draft work plan to develop recommendations to COP 8 on simplified modalities and procedures for small-scale CDM project activities" (24 inputs), and a "Draft of the CDM-PDD" (24 inputs).

45. The Board noted with appreciation additional communications received from a number of Parties, NGOs and IGOs, and addressed them under the agenda item "other matters", as appropriate.

46. At its fifth meeting, the Board agreed to meet with accredited observers and Parties for informal briefings on the occasions of its meetings, and encouraged the Chair to avail himself of opportunities to meet with representatives of the IGO and NGO communities as well as representatives of local government and indigenous peoples.

VII. SUMMARY OF DECISIONS

47. In accordance with rule 38 of the draft rules of procedure being applied, the report of each Board meeting has been made publicly available via the UNFCCC CDM web site, as appropriate.

48. The Board agreed to implement the provision contained in paragraph 17 of the CDM modalities and procedures, whereby decisions of the Board shall be made publicly available in all six languages of the United Nations, either by their inclusion in reports by the Board to the COP, or on the UNFCCC CDM web site.

Annex I

DRAFT RULES OF PROCEDURE OF THE EXECUTIVE BOARD OF THE CLEAN DEVELOPMENT MECHANISM

I. SCOPE

Rule 1

1. These rules of procedures shall apply to all activities of the Executive Board of the clean development mechanism (CDM) undertaken in accordance with decision 17/CP.7, and the annex thereto on the modalities and procedures for a CDM, as defined in Article 12 of the Kyoto Protocol.

II. DEFINITIONS

Rule 2

For the purpose of these rules:

1. "Decision 17/CP.7" means the decision taken by the Conference of the Parties to the United Nations Framework Convention on Climate Change at its seventh session on the modalities and procedures for a clean development mechanism as defined in Article 12 of the Kyoto Protocol;[1]

2. "CDM modalities and procedures" means modalities and procedures for a clean development mechanism contained in the annex to decision 17/CP.7;[2]

3. "UNFCCC" means the United Nations Framework Convention on Climate Change;

4. "COP" means the Conference of the Parties to the United Nations Framework Convention on Climate Change;

5. "COP/MOP" means the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol;

6. "CDM" means the clean development mechanism as defined in Article 12 of the Kyoto Protocol;

7. "Executive Board" means the Executive Board of the clean development mechanism as defined in Article 12 of the Kyoto Protocol;

8. "Chair" and "Vice-Chair" mean the members of the Executive Board elected as Chair and Vice-Chair by the Executive Board of the clean development mechanism;

9. "Member" means member of the Executive Board of the clean development mechanism;

10. "Alternate member" means alternate member of the Executive Board of the clean development mechanism;

11. "Secretariat" means the secretariat referred to in Article 14 of the Kyoto Protocol and the paragraph 19 of the CDM modalities and procedures;

12. "Technical reports commissioned" refers to reports commissioned by the Executive Board to obtain outside expertise other than that specified in section VII of these rules of procedure.

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[1] FCCC/CP/2001/13/Add.2
[2] FCCC/CP/2001/13/Add.2

Paragraph 1 (e) of the CDM modalities and procedures:

13. "Stakeholders" means the public, including individuals, groups or communities affected, or likely to be affected, by the proposed clean development mechanism project activity.

III. MEMBERS AND ALTERNATE MEMBERS

A. Nomination, election and re-election

Rule 3

Paragraph 7 of the CDM modalities and procedures:

1. The Executive Board shall comprise ten members from Parties to the Kyoto Protocol, as follows: one member from each of the five United Nations regional groups, two other members from the Parties included in Annex I, two other members from the Parties not included in Annex I, and one representative of the small island developing States, taking into account the current practice in the Bureau of the Conference of the Parties.

Rule 4

Paragraph 8 (a) to (d) of the CDM modalities and procedures:

1. Members, including alternate members, of the Executive Board shall:

(a) Be nominated by the relevant constituencies referred to in paragraph 7 {of the CDM modalities and procedures} and be elected by the COP/MOP. Vacancies shall be filled in the same way;

(b) Be elected for a period of two years and be eligible to serve a maximum of two consecutive terms. Terms as alternate members do not count. Five members and five alternate members shall be elected initially for a term of three years and five members and five alternate members for a term of two years. Thereafter, the COP/MOP shall elect, every year, five new members, and five new alternate members, for a term of two years. Appointment pursuant to paragraph 11 {of the CDM modalities and procedures} shall count as one term. The members, and alternate members, shall remain in office until their successors are elected;

(c) Possess appropriate technical and/or policy expertise and shall act in their personal capacity;

(d) Be bound by the rules of procedure of the Executive Board.

2. The term of service of a member, or an alternate member, shall start on 1 January of the calendar year following his/her election by the COP/MOP and shall end on 31 December, two or three years thereafter, as applicable.

Rule 5

Paragraph 9 of the CDM modalities and procedures:

1. The COP/MOP shall elect an alternate for each member of the Executive Board based on the criteria in paragraphs 7 and 8 {of the CDM modalities and procedures}. The nomination by a constituency of a candidate member shall be accompanied by a nomination for a candidate alternate member from the same constituency.

2. Any reference in these rules to a member shall be deemed to include his/her alternate when such alternate acts for the member.

3. In the absence of a member from a meeting of the Board, his/her alternate shall serve as the member for that meeting.

Rule 6

Paragraph 8 (c) of the CDM modalities and procedures:

1. The cost of participation of members, and of alternate members, from developing country Parties and other Parties eligible under UNFCCC practice shall be covered by the budget for the Executive Board.

2. Funding for participation shall be provided in accordance with the financial regulations of the United Nations and the financial procedures of the UNFCCC.

B. Suspension, termination and resignation

Rule 7

Paragraph 10 of the CDM modalities and procedures:

1. The Executive Board may suspend and recommend to the COP/MOP the termination of the membership of a particular member, including an alternate member, for cause including, *inter alia*, breach of the conflict of interest provisions, breach of the confidentiality provisions, or failure to attend two consecutive meetings of the Executive Board without proper justification.

2. Any motion calling for the suspension of, and recommendation to the COP/MOP to terminate the membership of, a member, or an alternate member, shall immediately be put to the vote in accordance with the voting rules in section V below. When the motion concerns the suspension of, and recommendation to the COP/MOP to terminate the membership of, the Chair, the Vice-Chair shall act as Chair until the voting has been conducted and its result announced.

3. The Executive Board shall suspend and recommend termination of the membership of a member, or an alternate member, only after the member, or alternate member, has been afforded the opportunity of a hearing by the Board in a meeting.

Rule 8

Paragraph 11 of the CDM modalities and procedures:

1. If a member, or an alternate member, of the Executive Board resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, the Executive Board may decide, bearing in mind the proximity of the next session of the COP/MOP, to appoint another member, or an alternate member, from the same constituency to replace the said member for the remainder of that member's mandate.

2. The Executive Board shall request the relevant constituency to nominate the new member, or the new alternate member, to be appointed in accordance with paragraph 1 of this rule.

C. Conflict of interest and confidentiality

Rule 9

Paragraph 8 (f) of the CDM modalities and procedures:

1. {Members, including alternate members, of the Executive Board shall} {h}ave no pecuniary or financial interest in any aspect of a CDM project activity or any designated operational entity.

Rule 10

Paragraph 8 (e) of the CDM modalities and procedures:

1. {Members, including alternate members, of the Executive Board shall} {t}ake a written oath of service witnessed by the Executive Secretary of the UNFCCC or his/her authorized representative before assuming his or her duties.

2. The written oath of service shall read as follows:

"I solemnly declare that I will perform my duties as a member/alternate member of the Executive Board of the clean development mechanism pursuant to Article 12 of the Kyoto Protocol, honourably, faithfully, impartially and conscientiously.

"I further solemnly declare and promise that I shall have no financial interest in any aspect of the clean development mechanism, including accreditation of operational entities, registration of CDM project activities and/or the issuance of related certified emission reductions. Subject to my responsibilities to the Executive Board, I shall not disclose, even after the termination of my functions, any confidential or proprietary information which is transferred to the Executive Board in accordance

with the CDM modalities and procedures, or any other confidential information coming to my knowledge by reason of my duties for the Executive Board.

"I shall disclose to the Executive Secretary of the United Nations Framework Convention on Climate Change and to the Executive Board any interest in any matter under discussion before the Executive Board which may constitute a conflict of interest or which might be incompatible with the requirements of integrity and impartiality expected of a member of the Executive Board and I shall refrain from participating in the work of the Board in relation to such matter."

Rule 11

Paragraph 8 (g) of the CDM modalities and procedures:

1. {Members, including alternate members of the Executive Board shall,} {s}ubject to their responsibilities to the Executive Board, not disclose any confidential or proprietary information coming to their knowledge by reason of their duties for the Executive Board. The duty of the member, including alternate member, not to disclose confidential information constitutes an obligation in respect of that member, and alternate member, and shall remain an obligation after the expiration or termination of that member's function for the Executive Board.

Paragraph 6 of the CDM modalities and procedures:

2. Information obtained {by members, and alternate members} from CDM project participants marked as proprietary or confidential shall not be disclosed without the written consent of the provider of the information, except as required by national law. Information used to determine additionality as defined in paragraph 43 {of the CDM modalities and procedures}, to describe the baseline methodology and its application, and to support an environmental impact assessment referred to in paragraph 37 (c) {of the CDM modalities and procedures}, shall not be considered as proprietary or confidential.

D. Officers

Rule 12

Paragraph 12 of the CDM modalities and procedures:

1. The Executive Board shall elect its own {Chair} and {Vice-Chair}, with one being a member from a Party included in Annex I and the other being from a Party not included in Annex I. The positions of {Chair} and {Vice-Chair} shall alternate annually between a member from a Party included in Annex I and a member from a Party not included in Annex I.

2. At the first Executive Board meeting of each calendar year, the Board shall elect a Chair and a Vice-Chair from among its members.

Rule 13

1. The Chair and Vice-Chair shall serve in their respective capacities at any meeting of the Executive Board.

2. If the elected Chair is not able to serve in that capacity for a meeting, the Vice-Chair shall serve as Chair. If both are unable to serve in their respective capacities, the Board shall elect a member from among its members present to serve as Chair for that meeting.

3. If the Chair or Vice-Chair ceases to be able to carry out his or her functions, or ceases to be a member, a new Chair or Vice-Chair shall be elected for the remainder of the term.

Rule 14

1. The Chair shall preside over the meetings of the Executive Board as provided for under this rule.

2. In addition to exercising the functions conferred upon the Chair elsewhere by these rules, the Chair shall declare the opening and closing of meetings, preside at meetings, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chair shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order at the meeting.

3. The Chair may propose to the Executive Board a limitation on the time to be allowed to speakers and on the number of times each member may speak on a question, the adjournment or closure of the debate and the suspension or adjournment of a meeting.

4. The Chair, or any other member designated by the Executive Board, shall represent the Board as necessary, including at sessions of the COP/MOP.

IV. MEETINGS

A. Dates

Rule 15

Paragraph 13 of the CDM modalities and procedures:

1. The Executive Board shall meet as necessary but no less than three times a year, bearing in mind the provisions of paragraph 41 {of the CDM modalities and procedures.}

Rule 16

1. At the first Executive Board meeting of each calendar year, the Chair shall propose for the approval of the Board a schedule of meetings for that calendar year. To the extent possible, these meetings shall be held in conjunction with sessions of the COP, the COP/MOP or their subsidiary bodies.

2. If changes to the schedule or additional meetings are required, the Chair shall, after consultations with all members, give notice of any changes in the dates of scheduled meetings, and/or of the dates of additional meetings.

Rule 17

1. The Chair shall convene and give notice of the date of each meeting of the Executive Board not less than eight weeks prior to the date of such meeting.

Rule 18

1. The secretariat shall promptly notify all those invited to the meeting.

B. Venue

Rule 19

1. Meetings of the Executive Board held in conjunction with meetings of the COP, the COP/MOP or their subsidiary bodies shall be held at the same location as the meetings of these bodies. Other meetings of the Executive Board shall take place at the location of the secretariat, unless the Executive Board decides otherwise or other appropriate arrangements are made by the secretariat in consultation with the Chair.

C. Agenda

Rule 20

1. The Chair, assisted by the secretariat, shall draft the provisional agenda of each meeting of the Executive Board and transmit a copy of such provisional agenda, agreed upon by the Executive Board at its previous meeting, to all those invited to the meeting.

Rule 21

1. Additions or changes to the provisional agenda of a meeting may be proposed to the secretariat by any member, or alternate member, and incorporated in the proposed agenda provided that the member, or alternate member, shall give notice thereof to the secretariat not less than four weeks before the date set for the opening of the meeting. The proposed agenda for the meeting shall be transmitted by the secretariat to all those invited to the meeting three weeks before the date set for the opening of the meeting.

Rule 22

1. The Executive Board shall, at the beginning of each meeting, adopt the agenda for the meeting.

Rule 23

1. Any item included on the agenda for a meeting of the Executive Board, consideration of which has not been completed at that meeting, shall be included automatically on the provisional agenda for the next meeting, unless otherwise decided by the Executive Board.

D. Documentation

Rule 24

1. All documentation for an Executive Board meeting shall be made available to members and alternate members through the secretariat at least two weeks before the meeting.

2. Documentation shall be made publicly available by the secretariat via the Internet soon after transmission to members and alternate members. Availability of such documentation shall be subject to confidentiality provisions.

Rule 25

Paragraph 5 (j) of the CDM modalities and procedures:

1. {The Executive Board shall} {m}ake any technical reports commissioned available to the public and provide a period of at least eight weeks for public comments on draft methodologies and guidance before documents are finalized and any recommendations are submitted to the COP/MOP for their consideration.

E. Attendance

Rule 26

Paragraph 16 of the CDM modalities and procedures:

1. Meetings of the Executive Board shall be open to attendance, as observers, by all Parties and by all UNFCCC accredited observers and stakeholders, except where otherwise decided by the Executive Board.

2. Attendance, as observers, by all Parties and by all UNFCCC accredited observers and stakeholders, may also be facilitated through the availability via the Internet of the proceedings of the meetings of the Board.

3. Observers may, upon invitation by the Board, make presentations relating to matters under consideration by the Board.

F. Quorum

Rule 27

Paragraph 14 of the CDM modalities and procedures:

1. At least two thirds of the members of the Executive Board, representing a majority of members from Parties included in Annex I and a majority of members from Parties not included in Annex I, must be present to constitute a quorum.

V. VOTING

Rule 28

Paragraph 15 of the CDM modalities and procedures:

1. Decisions by the Executive Board shall be taken by consensus, whenever possible. If all efforts at reaching a consensus have been exhausted and no agreement has been reached, decisions shall be taken by a three-fourths majority of the members present and voting at the meeting. Members abstaining from voting shall be considered as not voting.

2. The Chair shall ascertain whether consensus has been reached.

3. Each member shall have one vote. For the purpose of this rule, the phrase "members present and voting" means members present at the meeting at which voting takes place and casting an affirmative or negative vote.

4. Alternate members may participate in the proceedings of the Board without the right to vote. An alternate member may cast a vote only if acting for the member.

Rule 29

1. Whenever, in the judgment of the Chair, a decision must be taken by the Executive Board which cannot be postponed until the next meeting of the Executive Board, the Chair shall transmit to each member a proposed decision, with an invitation to approve the decision on a "no objection" basis. The proposed decision shall be transmitted in the form of an electronic message through the listserv of the Executive Board. A quorum of the Board is required to confirm the receipt of the message. Such message shall also be transmitted to alternate members for information.

2. Members, and/or alternate members, shall be given two weeks from the date of receipt of the proposed decision for comments. These comments shall be made available to members and alternate members via the Executive Board listserv.

3. At the expiration of the period referred to in paragraph 2 above, the proposed decision shall be considered approved if there is no objection by any member. If an objection is raised, the Chair shall include consideration of the proposed decision as an item on the proposed agenda for the next meeting of the Executive Board and inform the Board accordingly.

VI. LANGUAGES

Rule 30

Paragraph 17 of the CDM modalities and procedures:

1. The full text of all decisions of the Executive Board shall be made publicly available. The working language of the Executive Board shall be English. Decisions shall be made available in all six official languages of the United Nations.

VII. COMMITTEES, PANELS AND WORKING GROUPS

Rule 31

Paragraph 18 of the CDM modalities and procedures:

1. The Executive Board may establish committees, panels or working groups to assist it in the performance of its functions. The Executive Board shall draw on the expertise necessary to perform its functions, including from the UNFCCC roster of experts. In this context, it shall take fully into account the consideration of regional balance.

2. The panel shall be composed of an appropriate number of panel members determined by the Executive Board. Members of a panel shall have demonstrated and recognized technical expertise in the relevant field of work.

3. In establishing a panel, the Executive Board shall appoint two Executive Board members to act as Chair and Vice-Chair of the panel, one from a Party included in Annex I and one from a Party not included in Annex I. The Executive Board may appoint additional members and alternate members to participate in a panel.

4. In establishing a panel, the Executive Board shall determine its terms of reference. The terms of reference shall include a work plan, the deadline for submission of documents, the criteria for the selection of the panel members and the necessary budgetary provisions.

VIII. SECRETARIAT

Rule 32

Paragraph 19 of the CDM modalities and procedures:

1. The secretariat shall service the Executive Board.

Rule 33

1. The Executive Secretary of the UNFCCC shall arrange for the provision of staff and services required for the servicing of the Executive Board from within available resources. The Executive Secretary shall manage and direct such staff and services and provide appropriate support and advice to the Executive Board.

Rule 34

1. An official of the secretariat designated by the Executive Secretary shall serve as secretary to the Executive Board.

Rule 35

1. In addition to the functions specified in the CDM modalities and procedures and/or any subsequent decision by the COP/MOP, the secretariat shall, in accordance with these rules, and subject to the availability of resources:

(a) Receive, reproduce and distribute to members and alternate members the documents of a meeting;

(b) Receive and translate decisions into all six official languages of the United Nations and make publicly available the full texts of all decisions of the Executive Board;

(c) Assist the Executive Board in fulfilling tasks relating to the maintenance of files and the collection, processing and public availability of information;

(d) Perform all other work that the Executive Board may require.

Rule 36

1. The financial regulations of the United Nations and the financial procedures of the UNFCCC shall apply.

IX. CONDUCT OF BUSINESS

Rule 37

1. The Executive Board shall undertake any tasks assigned to it by decision 17/CP.7, in accordance with the CDM modalities and procedures, and by any subsequent decision taken by the COP/MOP.

X. RECORD OF THE MEETING

Rule 38

1. Before the end of each meeting, the Chair shall present draft conclusions and decisions of the meeting for consideration and approval by the Executive Board. Any written records of the Executive Board or recordings of proceedings shall be kept by the secretariat in accordance with United Nations rules and regulations.

XI. AMENDMENTS TO THE RULES

Rule 39

Paragraph 5 (b) of the CDM modalities and procedures:

1. {The Executive Board shall} {m}ake recommendations to the COP/MOP on any amendments or additions to rules of procedure for the Executive Board contained in the {CDM modalities and procedures}, as appropriate.

Annex II

RECOMMENDATIONS FOR SIMPLIFIED MODALITIES AND PROCEDURES FOR SMALL-SCALE CLEAN DEVELOPMENT MECHANISM PROJECT ACTIVITIES

I. FURTHER CLARIFICATIONS ON DEFINITIONS OF ELIGIBLE ACTIVITIES

A. Type (i) project activities: renewable energy project activities with a maximum output capacity equivalent to up to 15 megawatts (or an appropriate equivalent) (decision 17/CP.7, paragraph 6 (c) (i))

1. Definition of "renewable energy": the Executive Board agreed to draw up an indicative list of energy sources/eligible project activities,[1] as proposed in the attachment to annex 2 of the annotated agenda of its third meeting.[2] In drawing up such a list, the Board shall consider recognized classifications of renewable energy technologies/sources and take into account experience based on completed or ongoing small-scale projects in relevant fields. Following the "bottom-up" project cycle approach of the clean development mechanism (CDM), this list shall evolve and be further elaborated over time as new project activities are proposed and registered.

2. Definition of "maximum output capacity equivalent of up to 15 megawatts (or an appropriate equivalent)":

(a) Definition of "maximum output": the Board agreed to define "output" as installed/rated capacity, as indicated by the manufacturer of the equipment or plant, disregarding the actual load factor of the plant;

(b) Definition of "appropriate equivalent" of 15 megawatts: the Board agreed that, whereas decision 17/CP.7, paragraph 6 (c) (i), refers to megawatts (MW), project proposals may refer to MW(p), MW(e) or MW(th).[3] As MW(e) is the most common denomination, and MW(th) only refers to the production of heat which can also be derived from MW(e), the Board agreed to define MW as MW(e) and otherwise to apply an appropriate conversion factor.

B. Type (ii) project activities: energy efficiency improvement project activities which reduce energy consumption, on the supply and/or demand side, by up to the equivalent of 15 gigawatt hours per year (decision 17/CP.7, paragraph 6 (c) (ii))

3. Definition of "energy efficiency improvement project activities":

(a) The Executive Board agreed to draw up an indicative list of eligible project activities/sectors, as proposed in the attachment to annex 2 of the annotated agenda of its third meeting. In drawing up such a list, the Board shall consider recognized classifications of energy efficiency and take into account experience based on completed or ongoing small-scale projects in relevant fields. Following the CDM "bottom-up" approach, this list shall evolve and be further elaborated over time as new project activities are proposed and registered;

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[1] Project activities referring to the burning of peat and non-biogenic waste should not be included in the indicative list.

[2] Please refer to http://unfccc.int/cdm/ebmeetings/eb003/eb03annan2.pdf.

[3] Where (p) stands for peak, (e) stands for electric and (th) stands for thermal.

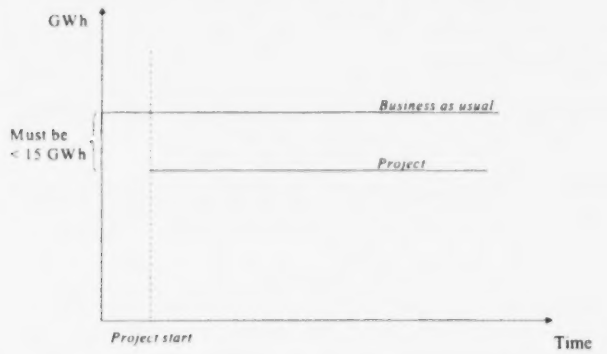
(b) The Board further agreed on the following clarifications:

(i) Energy efficiency is the improvement in the service provided per unit power, that is, project activities which increase unit output of traction, work, electricity, heat, light (or fuel) per MW input are energy efficiency project activities;

(ii) Energy consumption is the consumption reduced and measured in watt-hours with reference to an approved baseline. Lower consumption as a result of lower activity shall not be taken into consideration;

(c) Demand side, as well as supply side, projects shall be taken into consideration, provided that a project activity results in a reduction of maximum 15 gigawatt hours (GWh), as illustrated by figure 1. A total saving of 15 GWh is equivalent to 1000 hours of operation of a 15 MW plant or 15*3.6 TJ = 54 TJ, where TJ stands for terajoules.

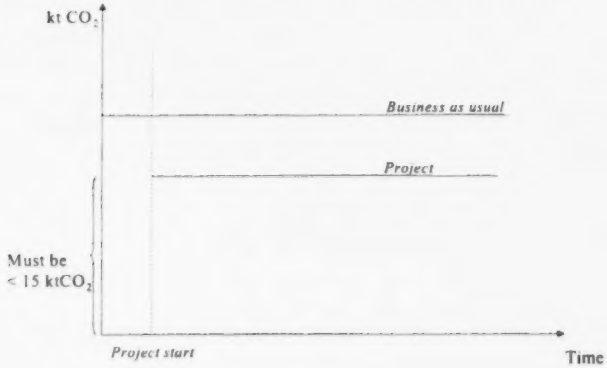
Figure 1: eligibility for type (ii) project activities



C. <u>Type (iii) project activities: other project activities that both reduce anthropogenic emissions by sources and directly emit less than 15 kilotonnes of carbon dioxide equivalent annually (decision 17/CP.7, paragraph 6 (c) (iii)):</u>

4. As figure 2 illustrates, type (iii) projects shall not exceed total direct emissions of 15 kilotonnes (kt) of carbon dioxide (CO_2) equivalent annually, and must reduce greenhouse gas emissions.

Figure 2: eligibility for type (iii) project activities



5. As presented in the attachment to annex 2 of the annotated agenda of the third meeting of the Executive Board, type (iii) CDM project activities could include agricultural projects, fuel switching, industrial processes and waste management. Possible examples in the agricultural sector include improved manure management, reduction of enteric fermentation, improved fertilizer usage or improved water management in rice cultivation.

6. Other project activities that could qualify include CO_2 recycling, carbon electrodes, adipic acid production and the use of hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF_6) making reference to the emission reductions generated by such projects expressed in CO_2 equivalent. In order for these to be calculated in a consistent and transparent manner, appropriate baseline methodologies need to be developed.

D. Interpretation of types of project activity to be mutually exclusive (decision 17/CP.7, paragraph 6 (c), (i), (ii) and (iii))

7. The Board agreed that the three types of project activities outlined in decision 17/CP.7, paragraph 6 (c), are mutually exclusive. In a project activity with more than one component that will benefit from simplified CDM modalities and procedures, each component shall meet the threshold criterion of each applicable type, e.g. for a project with both a renewable energy and an energy efficiency component, the renewable energy component shall meet the criterion for "renewable energy" and the energy efficiency component that for "energy efficiency".

E. Point in the project activity lifetime at which reference values are to be applied (decision 17/CP.7, paragraph 6 (c), (i), (ii) and (iii))

8. The Board agreed that if the maximum reference value of a small-scale CDM project activity is exceeded on an annual average basis during any verified period, CERs should be issued only up to the maximum value.

II. DRAFT SIMPLIFIED MODALITIES AND PROCEDURES FOR SMALL-SCALE CDM PROJECT ACTIVITIES

A. Introduction

9. Small-scale CDM project activities shall follow the stages of the project cycle specified in the modalities and procedures for a clean development mechanism contained in the annex to decision 17/CP.7 (hereinafter referred as the CDM modalities and procedures). In order to reduce transaction costs modalities and procedures are simplified for small-scale CDM project activities, as follows:

(a) Project activities may be bundled or portfolio bundled at the following stages in the project cycle: the project design document, validation, registration, monitoring, verification and certification. The size of the total bundle should not exceed the limits stipulated in paragraph 6 (c) of decision 17/CP.7;

(b) The requirements for the project design document are reduced;

(c) Baselines methodologies by project category are simplified to reduce the cost of developing a project baseline;

(d) Monitoring plans are simplified, including simplified monitoring requirements, to reduce monitoring costs;

(e) The same operational entity may undertake validation, and verification and certification.

10. Simplified baseline and monitoring methodologies have been developed for 14 small-scale CDM project activity categories related to types (i) to (iii).[4] They are presented in appendix B. This list shall not preclude other types of small-scale CDM project activities. If a proposed small-scale CDM project activity does not fall into any of the categories in appendix B, the project participants may submit a request to the Executive Board for approval of a simplified baseline and/or monitoring plan developed bearing in mind provisions in paragraph 16 below.

11. The CDM modalities and procedures shall apply to small-scale CDM project activities except for its paragraphs 37 to 60. The following paragraphs 12 to 39 apply instead. Appendix A to this annex should replace, as appropriate, provisions in appendix B of the CDM modalities and procedures.

B. Simplified modalities and procedures for small-scale CDM project activities

12. To use simplified modalities and procedures for small-scale CDM project activities, a proposed project activity shall:

(a) Meet the eligibility criteria for small-scale CDM project activities set out in paragraph 6 (c) of decision 17/CP.7;

(b) Conform to one of the project categories in appendix B to this annex;

(c) Not be a debundled component of a larger project activity, as determined through appendix C to this annex.

13. Project participants shall prepare a project design document in accordance with the format specified in appendix A to this annex.

14. Project participants may use the simplified baseline and monitoring methodologies specified in appendix B for their project category.

15. Project participants involved in small-scale CDM project activities may propose changes to the simplified baseline and monitoring methodologies specified in appendix B or propose additional project categories for consideration by the Executive Board.

16. Project participants willing to submit a new small-scale project activity category or revisions to a methodology shall make a request in writing to the Board providing information about the technology/activity and proposals on how a simplified baseline and monitoring methodology would be applied to this category. The Board may draw on expertise, as appropriate, in considering new project categories and/or revisions of and amendments to simplified methodologies. The Executive Board shall expeditiously, if possible at its next meeting, review the proposed methodology. Once approved, the Executive Board shall amend appendix B.

17. The Executive Board shall review and amend, as necessary, appendix B at least once a year.

18. Any amendments to appendix B shall apply only to project activities registered subsequent to the date of amendment and shall not affect registered CDM project activities during the crediting periods for which they are registered.

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[4] Type (i): Renewable energy project activities with a maximum output capacity equivalent of up to 15 megawatts (or an appropriate equivalent); Type (ii): Energy efficiency improvement project activities which reduce energy consumption, on the supply and/or demand side, by up to the equivalent of 15 gigawatthours per year; and Type (iii): Other project activities that both reduce anthropogenic emissions by sources and directly emit less than 15 kilotonnes of carbon dioxide equivalent annually.

19. Several small-scale CDM project activities may be bundled for the purpose of validation. An overall monitoring plan that monitors performance of the constituent project activities on a sample basis may be proposed for bundled project activities. If bundled project activities are registered with an overall monitoring plan, this monitoring plan shall be implemented and each verification/certification of the emission reductions achieved shall cover all of the bundled project activities.

20. A single designated operational entity may perform validation as well as verification and certification for a small-scale CDM project activity or bundled small-scale CDM project activities.

21. The Executive Board, in proposing the share of proceeds to cover administrative expenses and registration fees to recover any project related expenses, may consider proposing lower fees for small-scale CDM project activities.

C. Validation and registration

22. The designated operational entity selected by project participants to validate a project activity, being under a contractual arrangement with them, shall review the project design document and any supporting documentation to confirm that the following requirements have been met:

(a) The participation requirements set out in paragraphs 28 to 30 of the CDM modalities and procedures are satisfied;

(b) Comments by local stakeholders have been invited and a summary of the comments received has been provided to the designated operational entity together with a report indicating how due account was taken of any comments received;

(c) Project participants have submitted to the designated operational entity documentation on the analysis of the environmental impacts of the project activity, if required by the host Party;

(d) The project activity is expected to result in a reduction in anthropogenic emissions by sources of greenhouse gases that are additional to any that would occur in the absence of the proposed project activity, in accordance with paragraphs 26 to 28 below;

(e) The small-scale project activity conforms to one of the project categories in appendix B and uses the simplified baseline and monitoring methodology for that project activity category as specified in appendix B, or a bundle of small-scale project activities satisfies the conditions for bundling and the overall monitoring plan for the bundled small-scale project activities is appropriate.

(f) The project activity conforms to all other requirements for CDM project activities in the CDM modalities and procedures that are not replaced by these simplified modalities and procedures.

23. The designated operational entity shall:

(a) Prior to the submission of the validation report to the Executive Board, have received from the project participants written approval of voluntary participation from the designated national authority of each Party involved, including confirmation by the host Party that the project activity assists it in achieving sustainable development;

(b) In accordance with provisions on confidentiality contained in paragraph 27 (h) of the CDM modalities and procedures, make publicly available the project design document;

(c) Receive, within 30 days, comments on the project design document from Parties, stakeholders and UNFCCC accredited non-governmental organizations, and make them publicly available;

(d) After the deadline for receipt of comments, make a determination as to whether, on the basis of the information provided and taking into account the comments received, the project activity should be validated;

(e) Inform project participants of its determination on the validation of the project activity. Notification to the project participants shall include either:

(i) Confirmation of validation and date of submission of the validation report to the Executive Board; or

(ii) An explanation of reasons for non-acceptance if the project activity, as documented, is judged not to fulfil the requirements for validation;

(f) Submit to the Executive Board, if it determines the proposed project activity to be valid, a request for registration in the form of a validation report including the project design document, the written approval of the host Party as referred to in paragraph 23 (a) above, and an explanation of how it has taken due account of comments received;

(g) Make this validation report publicly available upon transmission to the Executive Board.

24. The registration by the Executive Board shall be deemed final four weeks after the date of receipt by the Executive Board of the request for registration, unless a Party involved in the project activity or at least three members of the Executive Board request a review of the proposed CDM project activity. The review by the Executive Board shall be made in accordance with the following provisions:

(a) It shall be related to issues associated with the validation requirements;

(b) It shall be finalized no later than at the second meeting following the request for review, with the decision and the reasons for it being communicated to the project participants and the public.

25. A proposed project activity that is not accepted may be reconsidered for validation and subsequent registration after appropriate revisions, provided that it follows the procedures and meets the requirements for validation and registration, including those related to public comments.

26. A CDM project activity is additional if anthropogenic emissions of greenhouse gases by sources are reduced below those that would have occurred in the absence of the registered CDM project activity.

27. The baseline for a CDM project activity is the scenario that reasonably represents the anthropogenic emissions by sources of greenhouse gases that would occur in the absence of the proposed project activity. A simplified baseline for a small-scale CDM project activity specified in appendix B shall be deemed to reasonably represent the anthropogenic emissions that would occur in the absence of the proposed small-scale project activity. If a simplified baseline is not used, the baseline proposed shall cover emissions from all gases, sectors and source categories listed in Annex A to the Kyoto Protocol within the project boundary.

28. A simplified baseline and monitoring methodology listed in appendix B may be used for a small-scale CDM project activity if the project participants are able to demonstrate to a designated operational entity that the project activity would otherwise not be implemented due to the existence of one or more of the barriers listed in attachment A of appendix B. Where specified in appendix B for a project category, quantitative evidence that the project activity would otherwise not be implemented may be provided instead of a demonstration based on the barriers listed in attachment A to appendix B.

29. Project participants shall select a crediting period for a proposed small-scale CDM project activity from one of the following alternatives:

(a) A maximum of seven years which may be renewed at most two times, provided that, for each renewal, a designated operational entity determines and informs the Executive Board that the original project baseline is still valid or has been updated taking account of new data where applicable;

(b) A maximum of 10 years with no option of renewal.

30. Leakage is defined as the net change of anthropogenic emissions by sources of greenhouse gases which occurs outside the project boundary, and which is measurable and attributable to the CDM project activity. Reductions in anthropogenic emissions by sources shall be adjusted for leakage in accordance with the provisions of appendix B for the relevant project categories. The Executive Board shall consider simplification of the leakage calculation for any other project categories added to appendix B.

31. The project boundary shall encompass significant anthropogenic emissions by sources of greenhouse gases under the control of the project participants that are reasonably attributable to the small-scale CDM project activity, in accordance with provisions of appendix B for the relevant project category.

D. Monitoring

32. Project participants shall include, as part of the project design document for a small-scale CDM project activity or bundle of small-scale CDM project activities, a monitoring plan. The monitoring plan shall provide for the collection and archiving of the data needed to:

(a) Estimate or measure anthropogenic emissions by sources of greenhouse gases occurring within the project boundary during the crediting period as specified in appendix B for the relevant project category;

(b) Determine the baseline of anthropogenic emissions by sources of greenhouse gases occurring within the project boundary during the crediting period, as specified in appendix B for the relevant project category;

(c) Calculate the reductions of anthropogenic emissions by sources by the proposed small-scale CDM project activity, and for leakage effects, in accordance with provisions of appendix B for the relevant project category.

33. The monitoring plan for a small-scale CDM project activity may use the monitoring methodology specified in appendix B for the relevant project category if the designated operational entity determines at validation that the monitoring methodology reflects good monitoring practice appropriate to the circumstances of the project activity.

34. If project activities are bundled, a separate monitoring plan shall apply for each of the constituent project activities in accordance with paragraphs 32 and 33 above, or an overall monitoring plan shall apply for the bundled projects, as determined by the designated operational entity at validation to reflect good monitoring practice appropriate to the bundled project activities and to provide for collection and archiving of the data needed to calculate the emission reductions achieved by the bundled project activities.

35. Project participants shall implement the monitoring plan contained in the registered project design document, archive the relevant monitored data and report the relevant monitoring data to a designated operational entity contracted to verify the emission reductions achieved during the crediting period specified by the project participants.

36. Revisions, if any, to the monitoring plan to improve its accuracy and/or completeness of information shall be justified by project participants and shall be submitted for validation to a designated operational entity.

37. The implementation of the registered monitoring plan and its revisions, as applicable, shall be a condition for verification, certification and the issuance of certified emission reductions (CERs).

38. Subsequent to the monitoring and reporting of reductions in anthropogenic emissions, CERs resulting from a small-scale CDM project activity during a specified time period shall be calculated, applying the registered methodology, by subtracting the actual anthropogenic emissions by sources from baseline emissions, and adjusting for leakage, as appropriate, in accordance with appendix B for the relevant project category.

39. The project participants shall provide to the designated operational entity, contracted by the project participants to perform the verification, a monitoring report in accordance with the registered monitoring plan set out in paragraph 32 above for the purpose of verification and certification.

Appendix A

SIMPLIFIED PROJECT DESIGN DOCUMENT FOR SMALL-SCALE CDM PROJECT ACTIVITIES

(This appendix will be developed once the Executive Board has agreed on the project design document for CDM project activities (CDM-PDD).)

Appendix B

SIMPLIFIED BASELINE AND MONITORING METHODOLOGIES FOR SELECTED SMALL-SCALE CDM PROJECT ACTIVITY CATEGORIES

Project types*	Project categories	Technology/ Measure	Boundary	Baseline	Leakage	Monitoring
Type (i): Renewable energy projects	A. Electricity generation by the user/household					
	B. Mechanical energy for the user/enterprise					
	C. Thermal energy for the user					
	D. Electricity generation for a system					
Type (ii): Energy efficiency improvement projects	E. Supply-side energy efficiency improvements – transmission and distribution activities					
	F. Supply-side energy efficiency improvements – generation					
	G. Demand-side energy efficiency programmes for specific technologies					
	H. Energy efficiency and fuel switching measures for industrial facilities					
	I. Energy efficiency and fuel switching measures for buildings					
Type (iii): Other project activities	J. Agriculture					
	K. Switching fossil fuels					
	L. Emission reductions in the transport sector					
	M. Methane recovery					
Types (i)–(iii)	N. Other small-scale project**					

* In accordance with paragraph 6 (c) of decision 17/CP.7

** Paragraphs 8 to 10 of the simplified modalities and procedures for small-scale CDM project activities allow for project participants to submit a new small-scale project activity category or revisions to a methodology to the Executive Board for consideration and amendment of appendix B by the Executive Board, as appropriate.

Attachment A to Appendix B

(In accordance with paragraph 28 of the simplified modalities and procedures for small-scale CDM project activities, "a simplified baseline and monitoring methodology listed in appendix B may be used for a small-scale CDM project activity if the project participants are able to demonstrate to a designated operational entity that the project activity would otherwise not be implemented due to the existence of one or more of the barriers listed in attachment A to appendix B. Where specified in appendix B for a project category, quantitative evidence that the project activity would otherwise not be implemented may be provided instead of a demonstration based on the barriers listed in attachment A to appendix B".)

Appendix C

DECISION TREE FOR DETERMINING THE OCCURRENCE OF DEBUNDLING

(Debundling is defined as the fragmentation of a large project into smaller parts. A project that is developed in consecutive small-scale tranches is not eligible. A decision tree to be elaborated and agreed by the Executive Board shall be applied to a proposed small-scale project activity to assess whether it is a debundled portion of a large project activity.)